

EXHIBIT A

Gregory Busch
August 24, 2021

U.S. DISTRICT COURT FOR THE
EASTERN DISTRICT OF MICHIGAN, NORTHERN DIVISION

BUSCH MARINE GROUP, INC.,

A Michigan Corporation,

Plaintiff,

and

Case No. 1:20-cv-11427-LVP-PTM

Hon. Linda V. Parker

GREGORY J. BUSCH,

Mag. Patricia T. Morris

A Michigan resident,

Plaintiffs/

Counter-Defendants,

vs.

CALUMET RIVER FLEETING, INC.,

A Wisconsin Corporation,

Defendant/

Counter-Plaintiff,

and

GREAT AMERICAN INSURANCE COMPANY,

an Ohio Corporation,

Defendant.

_____/

Gregory Busch
August 24, 2021

Page 2	Page 4
<p>1 The Deposition of GREGORY J. BUSCH,</p> <p>2 APPEARING REMOTELY FROM WAYNE COUNTY, MICHIGAN,</p> <p>3 Commencing at 1:03 p.m.,</p> <p>4 Tuesday, August 24, 2021,</p> <p>5 Before Kathryn M. Standal, CSR-2966,</p> <p>6 APPEARING REMOTELY FROM OAKLAND COUNTY, MICHIGAN.</p> <p>7</p> <p>8</p> <p>9 REMOTE APPEARANCES:</p> <p>10</p> <p>11 DON W. BLEVINS</p> <p>12 Blevins Sanborn Jezdimir Zack, P.L.C.</p> <p>13 1842 Michigan Avenue</p> <p>14 Detroit, Michigan 48126</p> <p>15 (313) 338-9500</p> <p>16 dblevins@bsjzlaw.com</p> <p>17 Appearing on behalf of the Plaintiffs.</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 WITNESS, DATE</p> <p>2 TABLE OF CONTENTS</p> <p>3 WITNESS PAGE</p> <p>4 GREGORY J. BUSCH</p> <p>5</p> <p>6 EXAMINATION BY MR. CULLINAN: 6</p> <p>7 EXAMINATION BY MR. LIDDANE: 161</p> <p>8</p> <p>9 EXHIBITS</p> <p>10</p> <p>11 EXHIBIT PAGE</p> <p>12 (Exhibits not offered.)</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
Page 3	Page 5
<p>1 PATRICK J. CULLINAN</p> <p>2 Cassidy Schade, L.L.P.</p> <p>3 222 West Adams Street</p> <p>4 Suite 2900</p> <p>5 Chicago, Illinois, 60606</p> <p>6 (312) 641-3100</p> <p>7 pcullinan@cassiday.com</p> <p>8 Appearing on behalf of the</p> <p>9 Defendant/Counter-Plaintiff, Calumet River</p> <p>10 Fleeting, Inc.</p> <p>11</p> <p>12 MICHAEL J. LIDDANE</p> <p>13 Foster, Swift, Collins & Smith, P.C.</p> <p>14 28411 Northwestern Highway</p> <p>15 Suite 500</p> <p>16 Southfield, Michigan 48034</p> <p>17 (313) 539-9900</p> <p>18 mliddane@fosterswift.com</p> <p>19 Appearing on behalf of the Defendant, Great American</p> <p>20 Insurance Company.</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 RECORDED REMOTELY FROM OAKLAND COUNTY, MICHIGAN</p> <p>2 Tuesday, August 24, 2021</p> <p>3 1:03 p.m.</p> <p>4</p> <p>5 COURT REPORTER: The attorneys</p> <p>6 participating in this deposition acknowledge that I am</p> <p>7 not physically present in the deposition room and that</p> <p>8 I will be reporting this deposition remotely. They</p> <p>9 further acknowledge that in lieu of an oath</p> <p>10 administered in person, the witness will verbally</p> <p>11 declare his testimony in this matter is under</p> <p>12 penalty of perjury. The parties and their counsel</p> <p>13 consent to this arrangement and waive any objections to</p> <p>14 this manner of reporting.</p> <p>15 Please indicate your agreement by stating</p> <p>16 your name and your agreement on the record.</p> <p>17 MR. BLEVINS: Don Blevins, agreed.</p> <p>18 MR. CULLINAN: Patrick Cullinan on behalf</p> <p>19 of Calumet River Fleeting, Inc., agreed.</p> <p>20 MR. LIDDANE: Michael Liddane for Great</p> <p>21 American, agreed.</p> <p>22 THE WITNESS: Gregory Busch, agreed.</p> <p>23 COURT REPORTER: Will the witness kindly</p> <p>24 present his government-issued identification by</p> <p>25 holding it up to the camera for verification?</p>

Gregory Busch
August 24, 2021

<p style="text-align: right;">Page 6</p> <p>1 (Witness presents government-issued 2 identification and identity verified.) 3 COURT REPORTER: Thank you, sir. 4 GREGORY J. BUSCH, 5 was thereupon called as a witness herein, and after 6 having first been duly sworn to testify to the truth, 7 the whole truth and nothing but the truth, was 8 examined and testified as follows: 9 COURT REPORTER: Thank you. Please 10 proceed. 11 EXAMINATION 12 BY MR. CULLINAN: 13 Q. Good afternoon, Mr. Busch, my name is Patrick 14 Cullinan, I'm one of the attorneys that represents 15 Calumet River Fleeting, Inc. Can you please once 16 again state your full name and spell your last name, 17 please? 18 A. Excuse me. Turn this off. Excuse me for a moment. 19 My name is Gregory James Busch. 20 Q. Spell your last name, please? 21 A. B-U-S-C-H. 22 MR. CULLINAN: Let the record reflect this 23 is the deposition of Gregory Busch being taken 24 pursuant to notice, pursuant to the Federal Rules of 25 Civil Procedure and any applicable local rules of the</p>	<p style="text-align: right;">Page 8</p> <p>1 that would be helpful. I will likewise try to do the 2 same and not to ask you again another question until 3 you're done answering. 4 As far as my questions are concerned, if 5 you have any problem with them in terms of not hearing 6 me or not understanding the question or some other 7 problem with the form of the question, can you please 8 let me know and I will try and rephrase the question 9 in a way that you understand it or correct any other 10 deficiency that might allow you to answer it? If you 11 do go ahead and answer the question I will assume 12 you've understood the question. Is that fair? 13 A. Yes. 14 Q. And if you need to take a break for any reason let us 15 know, we'll certainly accommodate you. The only 16 caveat is if there is a question we'll ask you to 17 provide us with an answer to the question, okay? 18 A. All right. 19 Q. Can you give me your date of birth, please? 20 A. 3-7-52. 21 Q. What's your current residence address? 22 A. 7049 Midland Road, Freeland, Michigan 48623. 23 Q. Do you live with anyone at that address? 24 A. Not currently, no. 25 Q. What's your educational background?</p>
<p style="text-align: right;">Page 7</p> <p>1 Eastern District of Michigan. 2 BY MR. CULLINAN: 3 Q. Mr. Busch, again, my name is Pat Cullinan, I'm one of 4 the attorneys that represents Calumet River Fleeting. 5 Let me start by asking you if you've ever given a 6 deposition before? 7 A. Yes. 8 Q. On how many occasions? 9 A. Like really don't know. I'd say maybe three or four. 10 Q. All right. I'm going to go over and couple ground 11 rules. You're probably familiar with them, but it 12 will hopefully keep us both on the same page. I'm 13 going to have the opportunity to ask you a number of 14 questions. My questions and your answers to those 15 questions are going to need to be in verbal word form 16 because Kathryn, our court reporter, is taking down 17 everything that we say, so she cannot take down nods 18 and shrugs and uh-huhs and uh-uhs and incomplete 19 words. So if you could do your best to make sure 20 answers are in word form that would be helpful. 21 Also, she can only take down one of us 22 speaking at a time, so even though -- as is the case 23 of normal conversation you may know where my 24 question's going, if you could do your best to hold 25 off answering until I've got the entire question out</p>	<p style="text-align: right;">Page 9</p> <p>1 A. Well, high school, University of Michigan and bachelor 2 of science degree in engineering and oceanography. 3 Q. I'm sorry. I heard the bachelor of science in 4 engineering and then -- 5 A. Oceanography. 6 Q. When did you receive those degrees? 7 A. 19 -- well, the '70s. 1974 is when I graduated. 8 Q. Are you currently employed? 9 A. Yes. 10 Q. By whom? 11 A. Self-employed, Busch Marine. 12 Q. Is Busch Marine a separate legal entity? 13 A. Yes. 14 Q. Corporation? 15 A. Yes. 16 Q. Is that your sole form of employment? 17 A. No. 18 Q. Where else are you employed? 19 A. I have another company called Busch Machine & Tool. 20 Q. Do they work out of the same location? 21 A. Yes. 22 Q. What's that address? 23 A. It's 7251 Midland Road, Freeland, Michigan. 24 Q. What's the nature of the business of Busch Marine, 25 Inc.?</p>

Gregory Busch
August 24, 2021

<p style="text-align: right;">Page 10</p> <p>1 A. Well, Busch Marine does dredging, we rent barges and</p> <p>2 we have tugs.</p> <p>3 Q. The first two -- I'm sorry, I didn't catch it all.</p> <p>4 With regard to -- I heard you had tugs and barges?</p> <p>5 A. Yes, dredging.</p> <p>6 Q. Is one or more of those things the main function of</p> <p>7 the business?</p> <p>8 A. Currently dredging.</p> <p>9 Q. How long has that been the case?</p> <p>10 A. Since about 1984.</p> <p>11 Q. And the other aspects of the business, are there any</p> <p>12 other aspects of the business that you mentioned with</p> <p>13 Busch Marine, Inc. is currently carrying on?</p> <p>14 A. We do surveys, bathymetric.</p> <p>15 COURT REPORTER: I'm sorry, what kind of</p> <p>16 surveys?</p> <p>17 THE WITNESS: Bathymetric.</p> <p>18 BY MR. CULLINAN:</p> <p>19 Q. What is that?</p> <p>20 A. That's measuring water depths.</p> <p>21 Q. Do you do the dredging operation at any particular</p> <p>22 area?</p> <p>23 A. Primarily Michigan, but we go to other states.</p> <p>24 Q. How many employees does Busch Marine have?</p> <p>25 A. Right now just myself.</p>	<p style="text-align: right;">Page 12</p> <p>1 Q. What sort of -- what's the nature of Busch Marine</p> <p>2 Tool -- I'm sorry, Busch Machine Tool's business?</p> <p>3 A. We're what you would call a job shop. We do whatever</p> <p>4 comes in the door, water jack cutting, speedsty</p> <p>5 (phonetic) machining.</p> <p>6 Q. Does Busch Marine, Inc. currently own any vessels?</p> <p>7 A. Yes.</p> <p>8 Q. How many?</p> <p>9 A. Let's see. There's three tug boats, one deck barge</p> <p>10 and about five sectional barges and three dredges.</p> <p>11 Q. Who operates the equipment when it's utilized?</p> <p>12 A. I do.</p> <p>13 Q. When you have a dredging project say in the last three</p> <p>14 years, do you hire employees to work with you?</p> <p>15 A. For the dredging temporary. It takes a day to set up,</p> <p>16 a day to tear down, and then after that I can pretty</p> <p>17 much do the project on my own.</p> <p>18 Q. The three tugs that you mentioned, can you tell me</p> <p>19 their names and the size of them?</p> <p>20 A. Yeah, there's the Gregory J. Busch, 143 by 27; the</p> <p>21 Edwin C. Busch is 42 by 12; and the Barbara Mary</p> <p>22 Busch, which is permanently up, that's 89 by, I'm not</p> <p>23 sure, 25 probably.</p> <p>24 Q. The one deck barge that you own, do you have the name</p> <p>25 or ID number of that barge?</p>
<p style="text-align: right;">Page 11</p> <p>1 Q. When is the last dredging project that Busch Marine</p> <p>2 undertook?</p> <p>3 A. Oh, it would have been 2019.</p> <p>4 Q. And Busch Marine -- I'm sorry, Busch Machine Tool, is</p> <p>5 that a corporation as well?</p> <p>6 A. I think it's an L.L.C., if I'm not mistaken.</p> <p>7 Q. Are you the sole owner of Busch Marine, Inc.?</p> <p>8 A. Yes.</p> <p>9 Q. Has there ever been any other owners?</p> <p>10 A. No.</p> <p>11 Q. How about Busch Marine (sic) Tool, are you the sole</p> <p>12 member?</p> <p>13 A. Busch Machine Tool.</p> <p>14 Q. Yeah, Busch Machine Tool.</p> <p>15 A. Yes, same thing.</p> <p>16 Q. Are there any employees other than yourself with Busch</p> <p>17 Marine Tool?</p> <p>18 A. One.</p> <p>19 Q. I'm sorry?</p> <p>20 A. There's one.</p> <p>21 Q. Who would that be?</p> <p>22 A. His name is Dennis Terrance. He is a new hire about</p> <p>23 two weeks ago.</p> <p>24 Q. And what is he doing for Busch Marine Tool?</p> <p>25 A. He is general labor.</p>	<p style="text-align: right;">Page 13</p> <p>1 A. Yes. BMT4 is the name of it.</p> <p>2 Q. And how about the five or six other barges?</p> <p>3 A. They're numbered BMT5 through 8 or whatever it is,</p> <p>4 sir.</p> <p>5 Q. The three tugs, how long have you owned those?</p> <p>6 A. Gregory J. Busch I've owned since 1977. The Edwin C.</p> <p>7 Busch was 2007 or 2008, somewhere around there.</p> <p>8 Barbara Mary Busch was about 2007 -- or no, I'm sorry,</p> <p>9 that one was -- yeah, about 2007 or 2008, somewhere</p> <p>10 around that.</p> <p>11 Q. In mentioning those vessels and barges that you --</p> <p>12 that Busch Marine, Inc. -- strike that.</p> <p>13 Just so I'm clear, those various vessels,</p> <p>14 are those owned by Busch Marine, Inc. or by you</p> <p>15 personally or by some other person or entity?</p> <p>16 A. Some of both. I own the Gregory J. Busch personally</p> <p>17 and some of the others are owned by the company.</p> <p>18 COURT REPORTER: I'm sorry, sir, some of</p> <p>19 the others, what?</p> <p>20 THE WITNESS: Are owned by the company,</p> <p>21 Busch Marine.</p> <p>22 BY MR. CULLINAN:</p> <p>23 Q. A lot of what we have to do -- talk about today will</p> <p>24 involve a barge called the STC2004. Are you familiar</p> <p>25 with that barge?</p>

Gregory Busch
August 24, 2021

<p style="text-align: right;">Page 14</p> <p>1 A. Yes.</p> <p>2 Q. Is that included in any of those barges that you</p> <p>3 previously mentioned today?</p> <p>4 A. No.</p> <p>5 Q. Do you not consider yourself owning that barge?</p> <p>6 A. I don't own it.</p> <p>7 Q. Who does own it?</p> <p>8 A. Calumet River Fleeting.</p> <p>9 Q. Is the business of Busch Marine, Inc., does it</p> <p>10 typically involve the sale of equipment?</p> <p>11 A. No.</p> <p>12 Q. How about Busch Marine Tool -- Busch Machine Tool? I</p> <p>13 have trouble getting that right.</p> <p>14 A. No.</p> <p>15 Q. At the time there was at least negotiations between</p> <p>16 you and -- well, strike that.</p> <p>17 Did either you or Busch Marine, Inc.</p> <p>18 previously in your mind own the STC2004?</p> <p>19 A. Yes.</p> <p>20 Q. And which one of you, or Busch Marine, Inc., owned it</p> <p>21 as of early 2019?</p> <p>22 A. Yes.</p> <p>23 Q. I asked that poorly. Did you own it or did Busch</p> <p>24 Marine, Inc. own it?</p> <p>25 A. I'm not sure.</p>	<p style="text-align: right;">Page 16</p> <p>1 Q. I mean, are they in any particular sorts of</p> <p>2 businesses?</p> <p>3 A. Well, what time frame are we speaking about?</p> <p>4 Q. Say in the last 20 years.</p> <p>5 A. Well, business changed substantially over 20 years.</p> <p>6 Q. Okay. Can you tell me the pathway of the business</p> <p>7 since about 2000?</p> <p>8 A. Traditionally we will hold cargo, deck cargo barge,</p> <p>9 and our customers were generally stone docks, bear</p> <p>10 (phonetic) companies, pulp wood companies.</p> <p>11 Q. And when was there a change over from basically doing</p> <p>12 the hauling of cargo?</p> <p>13 A. Probably about 2013.</p> <p>14 Q. Prior to 2013 were you doing dredging?</p> <p>15 A. Occasionally, but it wasn't our main focus.</p> <p>16 Q. After 2013 were you still hauling cargo?</p> <p>17 A. No. We went to -- we had a two-year charter and it</p> <p>18 took up our resources for 2014 and '15, and 2016</p> <p>19 we had for our company a large dredging job.</p> <p>20 Q. The charter that you referred to in 2014 and '15, what</p> <p>21 was the nature of that?</p> <p>22 A. There was a company that was building a pipe line in</p> <p>23 Lake Huron for water intake.</p> <p>24 Q. And specifically what was Busch Marine, Inc. doing as</p> <p>25 part of that project?</p>
<p style="text-align: right;">Page 15</p> <p>1 Q. And at some point that barge was put up for sale?</p> <p>2 A. Yes.</p> <p>3 Q. Had Busch Marine, Inc. ever previously sold any barges</p> <p>4 of any sort?</p> <p>5 A. Over what time frame?</p> <p>6 Q. Any time frame.</p> <p>7 A. Yeah, there were two barges that were sold previously</p> <p>8 back in the '80s I believe, early '80s.</p> <p>9 Q. Were those barges owned by Busch Marine, Inc.?</p> <p>10 A. No. One I owned jointly with my father and the other</p> <p>11 one I don't remember who actually owned it.</p> <p>12 Q. Were they sold, both of those barges, to individuals</p> <p>13 or entities with whom you were familiar?</p> <p>14 A. No, they weren't.</p> <p>15 Q. How -- can you tell me how you went about selling each</p> <p>16 of those barges?</p> <p>17 A. Put an ad in the publication called Post & Harbors.</p> <p>18 Q. Did you use --utilize the services of a broker in</p> <p>19 doing --</p> <p>20 A. No.</p> <p>21 Q. Aside from the dredging, any other aspects of the</p> <p>22 business of Busch Marine, Inc., what types of</p> <p>23 customers do you deal with?</p> <p>24 MR. BLEVINS: Objection to form.</p> <p>25 BY MR. CULLINAN:</p>	<p style="text-align: right;">Page 17</p> <p>1 A. We provided a tug and a barge. They put their people</p> <p>2 onboard. We would transport that out to the site and</p> <p>3 they would perform their work, and then we would bring</p> <p>4 everything back in again.</p> <p>5 Q. Was that a bareboat charter to the entity that was</p> <p>6 working on the project?</p> <p>7 A. I'm not sure what -- how to characterize that</p> <p>8 particular term. We were operating a vessel, so it</p> <p>9 was not a strict bareboat.</p> <p>10 Q. Other than operating the vessels, were you providing</p> <p>11 any other manpower for the project?</p> <p>12 A. No.</p> <p>13 Q. What barge was involved in that project?</p> <p>14 A. O, it was the STC2004.</p> <p>15 COURT REPORTER: I'm sorry, say that again,</p> <p>16 sir? It was the what?</p> <p>17 THE WITNESS: It was the STC2004.</p> <p>18 BY MR. CULLINAN:</p> <p>19 Q. Was that the last project that that barge was used on?</p> <p>20 A. No.</p> <p>21 Q. What has it been used on while it was still owned by</p> <p>22 either you or Busch Marine, Inc. since you did that</p> <p>23 two-year charter?</p> <p>24 A. Yeah. 2016 we dredged Tawas Harbor.</p> <p>25 Q. So Busch Marine, Inc. was also using the STC barge for</p>

Gregory Busch
August 24, 2021

<p style="text-align: right;">Page 18</p> <p>1 some of its -- I'm sorry, dredging operations?</p> <p>2 A. Yes.</p> <p>3 Q. Other than the Tawas Harbor since 2014, was the</p> <p>4 STC2004 utilized at all by you or Busch Marine, Inc.?</p> <p>5 MR. BLEVINS: Objection. (Inaudible.)</p> <p>6 COURT REPORTER: I'm sorry, if you're</p> <p>7 objecting I can't hear you.</p> <p>8 MR. BLEVINS: I'm very sorry. Objection,</p> <p>9 that misrepresents his testimony. I think he said --</p> <p>10 COURT REPORTER: I can't hear you. I can</p> <p>11 hear you talking but I can't hear what you're saying.</p> <p>12 MR. BLEVINS: Okay. Let me try to make it</p> <p>13 better for you.</p> <p>14 COURT REPORTER: That's better. That's</p> <p>15 better.</p> <p>16 MR. BLEVINS: Okay. I believe he said that</p> <p>17 the Tawas project was in 2016.</p> <p>18 BY MR. CULLINAN:</p> <p>19 Q. Okay. I meant to say that, but if I didn't I</p> <p>20 apologize. But other than the 2016 Tawas project,</p> <p>21 have either you or Busch Marine, Inc. utilized the</p> <p>22 STC2004 in any other project since 2014?</p> <p>23 A. No projects. We used it to take my research submarine</p> <p>24 out to the Tawas Bay in 2017 for about four days to do</p> <p>25 some test dives.</p>	<p style="text-align: right;">Page 20</p> <p>1 there. Have you ever chartered it before?</p> <p>2 A. Yes, we have. I don't remember those specific times</p> <p>3 or places, but there were previous charters.</p> <p>4 Q. Do you know if you ever chartered it subsequent to</p> <p>5 2000, before the 2014 project?</p> <p>6 A. I'm not sure what date you're -- prior to 2014?</p> <p>7 Q. No, subsequent to 2014 but -- I'm sorry, subsequent to</p> <p>8 2000, but prior to 2014.</p> <p>9 A. I don't recall. It's possible we had charters in that</p> <p>10 time period.</p> <p>11 Q. Did you ever advertise the barge as being available</p> <p>12 for lease or charter?</p> <p>13 A. No.</p> <p>14 Q. Prior to -- well, strike that.</p> <p>15 At some point you -- the STC 2014 was made</p> <p>16 available for sale, correct?</p> <p>17 A. Not formally.</p> <p>18 Q. Was it made available for sale informally?</p> <p>19 A. No, I received two offers to buy the barge prior to</p> <p>20 2014.</p> <p>21 Q. Who were those offers from?</p> <p>22 A. One was from Lake Michigan car ferry people, and the</p> <p>23 other one was from a trucking company that was one of</p> <p>24 our customers.</p> <p>25 Q. Did it ever get past the stage of them simply making</p>
<p style="text-align: right;">Page 19</p> <p>1 Q. I'm sorry, to do what?</p> <p>2 A. Some training and test dives for our research</p> <p>3 submarine.</p> <p>4 Q. And can you be a little more specific in what way the</p> <p>5 barge was utilized with regard to that?</p> <p>6 A. We used it as a platform anchored in Tawas Bay to</p> <p>7 launch the submersible sub.</p> <p>8 Q. And what's the size of the submersible?</p> <p>9 A. It's about 23 feet long and about 8 feet wide.</p> <p>10 Q. What sort of weight?</p> <p>11 A. 8 tons.</p> <p>12 Q. Since 2014 -- strike that.</p> <p>13 Aside from any dealings with Calumet River</p> <p>14 Fleeting, since 2014 have you ever chartered the</p> <p>15 STC2004?</p> <p>16 A. I believe I already answered that.</p> <p>17 Q. Well, can you go ahead and answer it again?</p> <p>18 A. Well, we had -- you used the date of 2014. We had the</p> <p>19 two-year charter on the pipeline project in 2014 and</p> <p>20 2015. Other than that there were no other charters.</p> <p>21 Q. Prior to that project had you ever chartered the barge</p> <p>22 before?</p> <p>23 A. Again, what time frame? I mean, this is going back a</p> <p>24 long ways here.</p> <p>25 Q. Well, I'll just ask generally and we'll work from</p>	<p style="text-align: right;">Page 21</p> <p>1 an offer?</p> <p>2 A. No, because I wasn't interested in selling at that</p> <p>3 point.</p> <p>4 Q. At some point after that did you decide to make the</p> <p>5 barge available for sale?</p> <p>6 A. It was 2018.</p> <p>7 Q. At what point in 2018?</p> <p>8 A. I don't know. It was when I listed it with Sun</p> <p>9 Machinery.</p> <p>10 Q. Who was Sun Machinery?</p> <p>11 A. They're a broker.</p> <p>12 Q. Prior to your listing that barge with Sun Machinery</p> <p>13 had you ever done business with Sun Machinery before?</p> <p>14 A. No.</p> <p>15 Q. Where is Sun Machinery located?</p> <p>16 A. New York.</p> <p>17 Q. How did you become familiar with Sun Machinery?</p> <p>18 A. They sent advertising fliers. They're on the</p> <p>19 Internet.</p> <p>20 Q. What did they advertise themselves as doing?</p> <p>21 A. Vessel brokers.</p> <p>22 Q. Were you looking for a vessel broker when you came</p> <p>23 across their name?</p> <p>24 A. No. I received their brochure and I, you know, was</p> <p>25 interested in retirement, and the idea kind of grew on</p>

Gregory Busch
August 24, 2021

<p style="text-align: right;">Page 22</p> <p>1 me and finally made a decision to list it with them.</p> <p>2 Q. At that time did you contemplate listing any of your</p> <p>3 other vessels or barges for sale?</p> <p>4 A. No.</p> <p>5 Q. What was there about this particular barge that led</p> <p>6 you to consider putting it up for sale as opposed to</p> <p>7 any of your other vessels?</p> <p>8 A. Well, I knew -- it was -- the story was a little more</p> <p>9 complicated. It was my biggest asset, and my business</p> <p>10 focus was changing from tugs and barges. As I trained</p> <p>11 as an oceanographer I wanted to get back into what I</p> <p>12 called the science field and was interested in</p> <p>13 chartering my submersible, and I had time with a</p> <p>14 pipeline operator in the Great Lakes and they</p> <p>15 expressed interest in having a support vessel that</p> <p>16 would have the submersible on it and could also point</p> <p>17 it as a response vessel, and my -- probably about 60</p> <p>18 to 70 percent of my motivation for selling the barge</p> <p>19 is I needed to raise capital to buy the type of vessel</p> <p>20 that they were looking for.</p> <p>21 Q. And did anything come of that?</p> <p>22 A. Well, Sun Machinery listed the barge. They informed</p> <p>23 me that they had a buyer. I put a purchase agreement</p> <p>24 against a utility vessel that I was looking for in the</p> <p>25 Gulf of Mexico, and which I later was forced to</p>	<p style="text-align: right;">Page 24</p> <p>1 when my father died it would revert to my mother.</p> <p>2 Q. Did you ever do anything to confirm that?</p> <p>3 A. Well, actually, yes, when we tried to close the sale.</p> <p>4 Q. Tried to close the sale with Calumet?</p> <p>5 A. Yes.</p> <p>6 Q. And what did you learn at that point?</p> <p>7 A. I'm sorry, what's that?</p> <p>8 Q. What did you learn at that point?</p> <p>9 A. Well, I purchased the barge my father paid for back in</p> <p>10 like somewhere around 1995, and my understanding was</p> <p>11 he had cleared his name on the barge and cleared the</p> <p>12 paperwork with the Coast Guard, and when we pulled the</p> <p>13 abstract for the sale with Calumet River Fleeting I</p> <p>14 found out that they had never been done, and so I had</p> <p>15 to go to -- what do you call it -- Probate Court, and</p> <p>16 because both my mother and father were deceased and</p> <p>17 get the title cleared.</p> <p>18 Q. And at some point you obtained a satisfaction of</p> <p>19 mortgage, correct?</p> <p>20 A. That's correct.</p> <p>21 Q. And you attempted to record that will or register with</p> <p>22 the Coast Guard as is necessary to clear the title?</p> <p>23 A. It was registered, yes.</p> <p>24 Q. At what point in time was it registered?</p> <p>25 A. I believe the date was June 4th.</p>
<p style="text-align: right;">Page 23</p> <p>1 default on, and the barge sale was not paid for, so I</p> <p>2 didn't have the funds to proceed with the plan with</p> <p>3 the utility vessel.</p> <p>4 Q. I'm trying to save myself a little breath here and I</p> <p>5 know we talked about who might have owned the barge in</p> <p>6 early 2018, the STC2004, and whether it was Busch</p> <p>7 Marine or you. Just so I'm clear, do you have an</p> <p>8 understanding as you sit here who owned the barge in</p> <p>9 January of 2019?</p> <p>10 A. January of '19? Just on the document, which you have</p> <p>11 been provided with. I don't know if it was me</p> <p>12 personally, which I think it was, but I don't know</p> <p>13 that for a fact, but possibly been Busch Marine, one</p> <p>14 or the other.</p> <p>15 Q. Prior to whoever owned it then, do you know if it was</p> <p>16 ever owned by anyone else?</p> <p>17 A. Yes. My father purchased the barge in -- from Paul</p> <p>18 Towing back in 1984 or '85.</p> <p>19 Q. Was his name on the title to the barge?</p> <p>20 A. At that time, yes.</p> <p>21 Q. Was anyone else's name on it?</p> <p>22 A. I don't know if my mother's name was on it or not.</p> <p>23 Q. At some point in time did your mother's name go on the</p> <p>24 barge, the title to the barge?</p> <p>25 A. Well, they had a cross, and my understanding was that</p>	<p style="text-align: right;">Page 25</p> <p>1 Q. Was it not rejected because it contained the wrong</p> <p>2 signatures or the wrong identities?</p> <p>3 A. No, not that I know of. There was an initial -- there</p> <p>4 was a gentleman name of Haynes that's a documentation</p> <p>5 of some of the (inaudible) --</p> <p>6 COURT REPORTER: I'm sorry, sir, I didn't</p> <p>7 understand it. There was a -- can you repeat that?</p> <p>8 THE WITNESS: Yeah. His name was Haynes</p> <p>9 International, and he originally submitted the</p> <p>10 paperwork, and that paperwork was rejected, and then</p> <p>11 it was resubmitted and accepted.</p> <p>12 BY MR. CULLINAN:</p> <p>13 Q. And it was that not accepted until at least sometime</p> <p>14 after June 24th of 2019, correct?</p> <p>15 A. No, it was accepted June 4.</p> <p>16 Q. Accepted by the Coast Guard?</p> <p>17 A. Yes.</p> <p>18 Q. And (inaudible) where I wanted --</p> <p>19 COURT REPORTER: I'm sorry, when you turn</p> <p>20 your face I can't understand you.</p> <p>21 BY MR. CULLINAN:</p> <p>22 Q. I said it puts me a little ahead of where I wanted to</p> <p>23 go, but as long as we're talking about it --</p> <p>24 A. Just lost the picture.</p> <p>25 Q. Yeah, I'm trying to put up a document.</p>

Gregory Busch
August 24, 2021

<p style="text-align: right;">Page 26</p> <p>1 A. Oh.</p> <p>2 Q. Are you seeing a document on your screen?</p> <p>3 A. No.</p> <p>4 MR. BLEVINS: We are seeing a folder that</p> <p>5 includes a number of documents, and I see that you</p> <p>6 have highlighted one, it starts 21.E -- okay, it just</p> <p>7 came up.</p> <p>8 MR. CULLINAN: Okay. Sorry. It usually</p> <p>9 takes me a little while to refresh myself how this</p> <p>10 operates.</p> <p>11 MR. BLEVINS: No problem.</p> <p>12 BY MR. CULLINAN:</p> <p>13 Q. I'm going to show you a document and it's been marked,</p> <p>14 previously produced by you as document number P252 or</p> <p>15 253, and it is a letter from the United States Coast</p> <p>16 Guard to you dated June 24, 2019. I'll scroll down a</p> <p>17 little bit. Do you remember receiving this document?</p> <p>18 A. I have not seen this one before, no.</p> <p>19 Q. Well, it was produced by you in the case, correct?</p> <p>20 A. Not me personally.</p> <p>21 MR. BLEVINS: We'll stipulate that that's</p> <p>22 our Bates number. It is difficult I'm afraid -- we</p> <p>23 see segments of the document, but of course we don't</p> <p>24 see every page, but we don't need to see, you know, a</p> <p>25 full. I know technology is a little different.</p>	<p style="text-align: right;">Page 28</p> <p>1 A. Well, I had basically a tote full of documents I gave</p> <p>2 my attorney and I think that document should be in</p> <p>3 that collection.</p> <p>4 Q. Did you ever question the Coast Guard when you</p> <p>5 received this document dated June 24, 2019 that says</p> <p>6 the satisfaction of mortgage that you presented was</p> <p>7 not eligible for recording?</p> <p>8 MR. BLEVINS: Objection, I think the</p> <p>9 witness testified that he didn't recall receiving this</p> <p>10 document. You know, I don't know if you can e-mail to</p> <p>11 us and give us some time on it?</p> <p>12 MR. CULLINAN: Well, how about this? I'll</p> <p>13 tell you it's page 252 and 253 of your own production.</p> <p>14 MR. BLEVINS: Well, you want to give me</p> <p>15 time to look it up? I think it would be faster for</p> <p>16 you to e-mail. We can take a break and I can go</p> <p>17 through our production and try to find it.</p> <p>18 BY MR. CULLINAN:</p> <p>19 Q. So far as you know as you sitting here right now you</p> <p>20 didn't question the Coast Guard when this document was</p> <p>21 delivered to Busch Marine, Inc.?</p> <p>22 MR. BLEVINS: Objection, form and</p> <p>23 foundation.</p> <p>24 BY MR. CULLINAN:</p> <p>25 Q. Is that what you're telling me?</p>
<p style="text-align: right;">Page 27</p> <p>1 BY MR. CULLINAN:</p> <p>2 Q. But please let me know if you feel like you need to</p> <p>3 see any other portion of the letter. So just to let</p> <p>4 you know, Mr. Busch, we received this document from</p> <p>5 your counsel as being produced by you in response to</p> <p>6 documents we requested, and in the fourth paragraph of</p> <p>7 the letter the Coast Guard sent to you on June 24,</p> <p>8 2019 it says the satisfaction of mortgage presented is</p> <p>9 not eligible for recording as the entity executing the</p> <p>10 instrument is not the mortgagee of record. The</p> <p>11 mortgagees of record are Edwin and Ruth Busch. Do you</p> <p>12 see that?</p> <p>13 A. Yes.</p> <p>14 Q. Does that refresh your recollection as to the mortgage</p> <p>15 not having been cleared or the satisfaction accepted</p> <p>16 by the Coast Guard until sometime after June 24, 2019?</p> <p>17 A. No, I'm not familiar with this document at all. I'm</p> <p>18 familiar with a document that I received as official</p> <p>19 stamp of the Coast Guard that says June 4th as being a</p> <p>20 recording date.</p> <p>21 Q. I have not received that in your production. Can you</p> <p>22 tell me what that document is or produce it to me?</p> <p>23 A. Yeah, I'll have to dig through and find it.</p> <p>24 Q. Have you looked yourself for all the documents we</p> <p>25 requested in this case?</p>	<p style="text-align: right;">Page 29</p> <p>1 MR. BLEVINS: Same objection.</p> <p>2 BY MR. CULLINAN:</p> <p>3 Q. Go ahead. You can answer.</p> <p>4 MR. BLEVINS: Answer it if you can.</p> <p>5 A. Yeah, we had Mr. Haynes from Haynes International</p> <p>6 handling all the documentation for this, and so the</p> <p>7 letter may have gone to him and he may not have</p> <p>8 forwarded it on to me.</p> <p>9 BY MR. CULLINAN:</p> <p>10 Q. Okay. It does not appear to be addressed or copied to</p> <p>11 anybody at Haynes International.</p> <p>12 A. Well, there were other documents that had my name on</p> <p>13 it, that's the way the Coast Guard does it, that went</p> <p>14 to Haynes directly, because he did a lot personally</p> <p>15 where he went to their office and handed documents and</p> <p>16 received documents across the counter.</p> <p>17 Q. Can you tell me more specifically what documents you</p> <p>18 are referring to that were addressed to you but were</p> <p>19 not delivered to you but were delivered to Haynes</p> <p>20 International instead?</p> <p>21 A. No, I can't, because there were quite a few things</p> <p>22 that went back and forth.</p> <p>23 Q. Okay. Was any of that document -- any of that</p> <p>24 documentation related to the STC2004?</p> <p>25 A. Yes, all of them, because he handled that thoroughly.</p>

Gregory Busch
August 24, 2021

<p style="text-align: right;">Page 30</p> <p>1 Q. Okay. No such documents have been produced by you in</p> <p>2 this case. Is there anything that -- is there any</p> <p>3 source or place where you keep documents that might be</p> <p>4 related to this case or that barge that you haven't</p> <p>5 produced?</p> <p>6 MR. BLEVINS: Objection (inaudible).</p> <p>7 MR. CULLINAN: I'm just asking.</p> <p>8 THE WITNESS: I don't know.</p> <p>9 BY MR. CULLINAN:</p> <p>10 Q. Did you specifically pull any documents for production</p> <p>11 in this case?</p> <p>12 A. Personally, no.</p> <p>13 Q. Did any employee of Busch Marine, Inc. pull any</p> <p>14 documentation specifically for this case?</p> <p>15 A. No.</p> <p>16 MR. BLEVINS: I just have a question of</p> <p>17 clarification. I do not want to interfere with your</p> <p>18 question, but when you say pull documents for this</p> <p>19 case, do you mean gather documents for production in</p> <p>20 this case?</p> <p>21 MR. CULLINAN: Gather them, go through them</p> <p>22 and produce -- look for what is relevant and look for</p> <p>23 what has been asked for. I mean, I understand he's</p> <p>24 saying he gave his counsel documents, but did he</p> <p>25 himself look for in all places where documents might</p>	<p style="text-align: right;">Page 32</p> <p>1 Q. Was it still being used as a cargo barge as of April of</p> <p>2 2019?</p> <p>3 A. No.</p> <p>4 Q. When you say cargo barge, can you describe for us and</p> <p>5 ultimately for the jury what that is?</p> <p>6 A. That's a vessel that holds cargo on deck.</p> <p>7 Q. At any point in time did it previously transport cargo</p> <p>8 in any other way other than on the deck?</p> <p>9 A. Yes. It was originally just an item (inaudible) river</p> <p>10 tank barge.</p> <p>11 Q. And what sort of cargo did it haul as a tank barge?</p> <p>12 A. I have no idea. It wasn't part of my owning it.</p> <p>13 Q. Did you convert it from a tank barge to a deck barge?</p> <p>14 A. You know, it was partially converted when my father</p> <p>15 bought it.</p> <p>16 Q. And when we say a tank barge generally what are we</p> <p>17 referring to?</p> <p>18 A. Well, a tank barge is a vessel that carries liquid</p> <p>19 cargo inside the barge.</p> <p>20 Q. Are there various compartments in the tank barges</p> <p>21 generally?</p> <p>22 A. Yes.</p> <p>23 Q. And with regards to the STC 2004, even though it was</p> <p>24 converted from a deck barge -- I'm sorry, from a tank</p> <p>25 barge to a deck barge, did it continue to have</p>
<p style="text-align: right;">Page 31</p> <p>1 be?</p> <p>2 THE WITNESS: Yes.</p> <p>3 BY MR. CULLINAN:</p> <p>4 Q. Okay. And as far as -- as best as you know you have</p> <p>5 produced everything that's been requested?</p> <p>6 A. Well, personally all I know is that I gave everything</p> <p>7 that I had to Mr. Blevins, and what his office</p> <p>8 (inaudible) I don't know.</p> <p>9 Q. Do you know whether you have a satisfaction of</p> <p>10 mortgage that is stamped by the Coast Guard as</p> <p>11 received and registered?</p> <p>12 A. I think we do, don't we?</p> <p>13 Q. I'm going to ask you to not be asking the counsel to</p> <p>14 answer the questions for you. Either you know or you</p> <p>15 don't, please.</p> <p>16 A. I don't know.</p> <p>17 Q. As of April of 2019 describe the STC2004 for me.</p> <p>18 A. It's a deck cargo barge. It's 250 feet long, 50 feet</p> <p>19 wide. (Inaudible).</p> <p>20 COURT REPORTER: I'm sorry, I didn't hear</p> <p>21 the last part of that. 250 feet wide, 250 feet long?</p> <p>22 THE WITNESS: No, 200 -- yeah, 250 feet</p> <p>23 long, 50 feet wide, 12'6" deep.</p> <p>24 COURT REPORTER: Thank you.</p> <p>25 BY MR. CULLINAN:</p>	<p style="text-align: right;">Page 33</p> <p>1 compartments that were formally utilized as tank</p> <p>2 compartments?</p> <p>3 A. Yes.</p> <p>4 Q. And how many such compartments did it have as of April</p> <p>5 of 2019?</p> <p>6 A. 14.</p> <p>7 Q. And were -- can you tell us where they were located?</p> <p>8 A. Well, there's a four-piece brake compartment in the</p> <p>9 front, two 50-foot-long main compartments, coffered to</p> <p>10 him in the center -- or no, I'm sorry, there's the</p> <p>11 right compartment, two 50-foot-long compartments, a</p> <p>12 cofferdam, two 50-foot aft compartments, an aft wing</p> <p>13 tank, two weight tanks.</p> <p>14 Q. So how many tank compartments total would there have</p> <p>15 been?</p> <p>16 A. I didn't add them up. There's 14 in that barge.</p> <p>17 Q. Would half of them have been on the starboard side,</p> <p>18 half on the port side, or a lesser amount on either?</p> <p>19 A. Well, the cofferdam goes all the way across. The aft</p> <p>20 peak tank goes all the way across. The other ones are</p> <p>21 port and starboard, and a forward rake goes all the</p> <p>22 way across.</p> <p>23 Q. So there would be at least four tanks on the starboard</p> <p>24 side and at least four tanks on the port side?</p> <p>25 A. Close to two weight tanks, yes.</p>

Gregory Busch
August 24, 2021

<p style="text-align: right;">Page 34</p> <p>1 Q. Were those -- the four on the starboard side, not</p> <p>2 including the weight tanks, the four on the port side,</p> <p>3 were those all four of equal size?</p> <p>4 A. Yes.</p> <p>5 Q. When it was converted from the tank barge to a deck</p> <p>6 barge, that was a matter of basically putting a deck</p> <p>7 over the tank compartments, correct?</p> <p>8 A. No.</p> <p>9 Q. Okay. Can you explain what sort of change would be?</p> <p>10 A. It would be the previous owner had removed the pumps</p> <p>11 and the piping system, and my father obtained it with</p> <p>12 my help, we obtained the ABS load line for it, and the</p> <p>13 way that process works is you submit a drawing to ABS</p> <p>14 and they return with recommended changes, and I recall</p> <p>15 initially the recommended changes were that we</p> <p>16 installed four-foot high bulwarks on both sides of the</p> <p>17 barge to increase the moment of inertia of the barge,</p> <p>18 and there were some other minor changes to install</p> <p>19 what we call filler plates that went in every other</p> <p>20 bay in the transverse channel on the bottom.</p> <p>21 Q. You mentioned the length of the barge as being</p> <p>22 250 feet?</p> <p>23 A. Yeah, originally it was 240 feet. I modified it in</p> <p>24 about 2000 and made it 49'11".</p> <p>25 Q. At any point in the existence of the barge was the</p>	<p style="text-align: right;">Page 36</p> <p>1 the same time, 2001 I think.</p> <p>2 Q. And what sort of changes or modifications were made to</p> <p>3 it then?</p> <p>4 A. Well, for the deck the -- we put in the center</p> <p>5 16 feet, it was 3/4 inch and 5/8 steel plating to</p> <p>6 replace 5/16 thick deck plating which was originally</p> <p>7 there, and we put on 3 1/2 by 6 by 3/8 angle irons for</p> <p>8 longitudinals instead of the 3 by 4 by 1/4 inch angles</p> <p>9 for under the deck. We modified -- we put in 12-inch</p> <p>10 channels cut to fit to the deck for the transverses</p> <p>11 and we had additional burden stanchions diagonal for</p> <p>12 the internal framing.</p> <p>13 Q. And how about the -- any modifications made at that</p> <p>14 time to the hull?</p> <p>15 A. Well, that is the hull. The hull is kind of the</p> <p>16 entire vessel. What specifically are you referring</p> <p>17 to?</p> <p>18 Q. Well, the underside of the vessel.</p> <p>19 A. Yeah, there were bilge radius replacements made at</p> <p>20 various times on dry dock. In 2004 the forward half</p> <p>21 of the barge was replated with heavier plating. There</p> <p>22 was an extension that went under the center bulkhead.</p> <p>23 (Inaudible).</p> <p>24 COURT REPORTER: I'm sorry, there was an</p> <p>25 extension?</p>
<p style="text-align: right;">Page 35</p> <p>1 barge every shortened in length?</p> <p>2 A. Yes.</p> <p>3 Q. When did that occur?</p> <p>4 A. It was about 1987 I think, '86, somewhere around</p> <p>5 there. '87 or '88.</p> <p>6 Q. Okay. To what extent was the barge shortened?</p> <p>7 A. It originally had a long very narrow rake on the front</p> <p>8 and which was not a good idea structurally, and we</p> <p>9 shortened it 14 feet and put a double angle on the</p> <p>10 forward rig.</p> <p>11 Q. And then when you mentioned more recently having</p> <p>12 lengthened the barge how did you go about doing that?</p> <p>13 A. Same process. I submitted drawings to ABS. The</p> <p>14 purpose of the lengthening was we added a notch and</p> <p>15 connection system to the barge, and we rebuilt the aft</p> <p>16 peak tank and we added the two aft what we call wing</p> <p>17 tanks.</p> <p>18 Q. And I'm sorry, you mentioned what year that was, but</p> <p>19 when did that occur?</p> <p>20 A. That was about 2000.</p> <p>21 Q. Were any modifications over time ever made to the hull</p> <p>22 of the barge?</p> <p>23 A. Well, there were repairs made to the hull, and I</p> <p>24 replaced the deck for compartments 2, 3 and part of 4</p> <p>25 and part of the ones. Those -- that was done about</p>	<p style="text-align: right;">Page 37</p> <p>1 THE WITNESS: Yeah, the bottom plate, I</p> <p>2 don't remember how wide it was. It was fairly</p> <p>3 substantial. It was under the bulkhead through all</p> <p>4 the way back to the midship point, which was</p> <p>5 cofferdam, and then the plating underneath the</p> <p>6 cofferdam was replaced with heavier plating. And I</p> <p>7 think most of the bilge radius on the port side, if I</p> <p>8 recall correctly, was replaced. And then 2013 there</p> <p>9 was quite a bit of substantial plating replaced under</p> <p>10 the 3 and 4 compartments.</p> <p>11 BY MR. CULLINAN:</p> <p>12 Q. What was the thickness of the plating on the bottom</p> <p>13 side of the hull originally; do you know?</p> <p>14 A. It was 3/8.</p> <p>15 Q. Throughout the entirety?</p> <p>16 A. Yes.</p> <p>17 Q. And at various times, although different items of</p> <p>18 repair or replacement that you mentioned, at any</p> <p>19 particular time was the entire underside modified to</p> <p>20 the same extent at one time?</p> <p>21 A. No. We replaced as needed as directed by ABS.</p> <p>22 Q. And with regard to some of the hull, it simply</p> <p>23 deteriorates over time?</p> <p>24 A. Again, you're speaking of the bottom?</p> <p>25 Q. Yeah.</p>

Gregory Busch
August 24, 2021

<p style="text-align: right;">Page 38</p> <p>1 A. The hull bottom? Yes, there is deterioration that 2 goes on with any vessel.</p> <p>3 Q. All right. And some of the other repairs were made as 4 a result of damage to the barge?</p> <p>5 A. Yes.</p> <p>6 Q. All right. And specifically the 2013 repairs, were 7 those -- were those made in response to the barge 8 having been damaged?</p> <p>9 A. Yes. We had been dredging a place called Bay City 10 Jack Ball in the Saginaw River, and there's a coal 11 dock, Consumers Power, across the river, and a 12 1,000-foot ship, the American Mariner -- anyways, 13 American steamship tried to leave the dock, they lost 14 control, they hit the barge, they pushed it over. 15 They had about 30 pilings in it up onto a rocky 16 rudiment and ground the vessel and sheared the spuds 17 off and did some other damage along the port side of 18 the barge.</p> <p>19 Q. And as a result of that there had to be some 20 modifications to the bottom of the hull?</p> <p>21 A. Well, there were replacements, yes. I mean, it was 22 kind of a major impact, that big of a ship.</p> <p>23 Q. But only portions of the bottom of the hull were 24 replaced at that time, correct?</p> <p>25 A. Yeah. That's to the discretion of ABS. You dry dock</p>	<p style="text-align: right;">Page 40</p> <p>1 A. No, well, I don't know if that's the exact wording in 2 the statute of regulation, I'm not an attorney, but 3 that's the effective result of that.</p> <p>4 Q. Is a load line certification required to operate a 5 barge such as the STC2004?</p> <p>6 A. Yes. Anything over 150-gross tons or 89 feet in 7 length that goes on open waters. Not required for 8 rivers.</p> <p>9 Q. So to use it, for example, on the Great Lakes would 10 require load line certifications?</p> <p>11 A. Yes.</p> <p>12 Q. And you mentioned -- strike that.</p> <p>13 Is it the Coast Guard that actually issues 14 the load line certification?</p> <p>15 A. Indirectly through ABS.</p> <p>16 Q. And ABS is the American Bureau of Shipping, correct?</p> <p>17 A. Yes.</p> <p>18 Q. And that's who essentially performs the mechanics of 19 determining whether a certificate will be issued?</p> <p>20 A. Correct.</p> <p>21 Q. How long is a load line certification required?</p> <p>22 A. It's always required, but I think your question is 23 there's an annual inspection and a five-year dry dock 24 inspection.</p> <p>25 Q. All right. In other words, it's got to be renewed</p>
<p style="text-align: right;">Page 39</p> <p>1 it. They tell you what to replace. All that work was 2 done.</p> <p>3 Q. The materials that was used originally to construct 4 the bottom of the hull of the barge, what would that 5 have been?</p> <p>6 A. I don't understand the question. You want the grade 7 of steel or --</p> <p>8 Q. Yeah, I mean, it's steel, right? Do you know the 9 grade of steel?</p> <p>10 A. I would assume it was A36 steel because that's what's 11 required.</p> <p>12 Q. And was that the type steel used whenever there were 13 modifications to the bottom of the hull made?</p> <p>14 A. Yes. You have to -- have to have a certificate from 15 the steel mill.</p> <p>16 Q. And you mentioned obtaining a load line?</p> <p>17 A. Yes.</p> <p>18 Q. Can you describe for us what that is?</p> <p>19 A. Well, a load line is a statutory requirement that 20 ensures the structural and seaworthiness of the 21 vessel, and the Coast Guard is delegated the authority 22 to exercise that regulation to the American Bureau of 23 Shipping.</p> <p>24 Q. Do you know if that's the exact wording in terms of 25 ensuring the seaworthiness of the vessel?</p>	<p style="text-align: right;">Page 41</p> <p>1 annually, but the inspections are different for annual 2 inspections versus five-year inspections?</p> <p>3 A. Well, there's actually three types -- there's four 4 types of inspections.</p> <p>5 Q. Can you tell us what those are?</p> <p>6 A. Yeah, the annual inspection is a -- the severe 7 problems. Looks the vessel over. They have the 8 option of course to do whatever they like as far as 9 inspection goes. They generally do one or two 10 compartments, and if they're satisfied they will leave 11 it that on the annual. They check paperwork for the 12 vessel, make sure that's current.</p> <p>13 For five-year inspection the vessel has to 14 be dry docked. They examine it on dry dock. Audio 15 gauges are taken, and it's a more detailed type of 16 inspection.</p> <p>17 And you can also get a one-year extension 18 at the end of five years and that's a more extensive 19 inspection than an annual inspection. They go along 20 in all the compartments at the discretion of the 21 surveyor. If there's any discrepancies they will -- 22 they will pull your certificate.</p> <p>23 Q. Okay. Then did you -- you mentioned a fourth one. 24 We've got annual --</p> <p>25 A. Oh, yeah, the fourth one is a damage survey. If there</p>

Gregory Busch
August 24, 2021

<p style="text-align: right;">Page 42</p> <p>1 is damage to the barge you are supposed to call ABS</p> <p>2 before you proceed and go back out on the lake. The</p> <p>3 surveyor will come, he'll ascertain the extent of the</p> <p>4 damages and he'll either give you a nose to proceed or</p> <p>5 he'll tell you no, you have to make repairs and he'll</p> <p>6 specify what the repairs are before the vessel leaves.</p> <p>7 Q. And you mentioned with regard to obtaining one-year</p> <p>8 extension that the -- the surveyor can go where they'd</p> <p>9 like into all areas of the barge. Can they also not</p> <p>10 go into areas? I mean, is it basically to their</p> <p>11 discretion?</p> <p>12 A. Yes, it is. They generally go in about half the</p> <p>13 compartments in my experience. They are required to</p> <p>14 go in the fore peak and the aft end of the barge.</p> <p>15 That part is specified. Beyond that it's their</p> <p>16 discretion.</p> <p>17 Q. Has the STC2004 -- did it have a load line</p> <p>18 certification throughout the entirety of the time that</p> <p>19 you or Busch Marine owned it?</p> <p>20 A. Yes.</p> <p>21 Q. And it would have gone through a number of five-year</p> <p>22 inspections?</p> <p>23 A. Yes.</p> <p>24 Q. Dating back to when?</p> <p>25 A. We initially (inaudible) 1985.</p>	<p style="text-align: right;">Page 44</p> <p>1 Classing of Sealed Vessels, and that book outlines the</p> <p>2 general procedure, and they always follow that</p> <p>3 procedure, but they also can extend that.</p> <p>4 Q. Every time the barge came up for a five-year survey</p> <p>5 when either you or Busch Marine owned it did you</p> <p>6 always as a matter of course seek a one-year extension</p> <p>7 prior to having the five-year survey done?</p> <p>8 A. I don't remember. Generally I did the extension.</p> <p>9 Q. You did or did not?</p> <p>10 A. I did generally.</p> <p>11 Q. Do you have to make any particular sort of showing to</p> <p>12 obtain that one-year extension?</p> <p>13 A. Yeah, you had to send a letter to the ABS requesting</p> <p>14 the extension, first of all. Then ABS applies to the</p> <p>15 Coast Guard. The Coast Guard reviews the files and</p> <p>16 documents that ABS has on a vessel, and they will</p> <p>17 either approve or disapprove allowing the extension</p> <p>18 subject to positive results of the survey.</p> <p>19 Q. But was there any particular item that would have to</p> <p>20 be raised by the owner seeking this one-year extension</p> <p>21 or can they just say I'm just requesting an extension?</p> <p>22 A. No. Basically just request an extension, right.</p> <p>23 Q. Are they at least in your experience given as a matter</p> <p>24 of course?</p> <p>25 A. Never had a problem getting one, no.</p>
<p style="text-align: right;">Page 43</p> <p>1 COURT REPORTER: I'm sorry, you initially</p> <p>2 what?</p> <p>3 THE WITNESS: 1985. We initially load</p> <p>4 lined it in 1985.</p> <p>5 COURT REPORTER: Load lined it.</p> <p>6 BY MR. CULLINAN:</p> <p>7 Q. So there would have been probably five or six during</p> <p>8 the time period leading up to 2018, five or six</p> <p>9 surveys?</p> <p>10 A. Yes.</p> <p>11 Q. And all of those were done in dry dock?</p> <p>12 A. Yes.</p> <p>13 Q. Can you tell me essentially a little more detail about</p> <p>14 the five-year survey? First of all, were they all --</p> <p>15 those five or six that the barge underwent while you</p> <p>16 or BMI owned it, or was there ever -- did there come a</p> <p>17 time when the nature of the five-year survey changed?</p> <p>18 A. What was the last part of your question?</p> <p>19 Q. Yeah. Alternatively did there come a time since 1985</p> <p>20 when the nature of those five-year surveys changed?</p> <p>21 A. Well, there's been probably about five or six</p> <p>22 different surveyors and, you know, each surveyor</p> <p>23 obviously is a little different how they conduct their</p> <p>24 survey. There is a book that ABS has, I think it's</p> <p>25 called Rules for Classing and -- or Construction and</p>	<p style="text-align: right;">Page 45</p> <p>1 Q. And in the five-year survey I think you mentioned</p> <p>2 gauging of the vessel?</p> <p>3 A. I'm sorry, what was the last part?</p> <p>4 Q. I think when you referred to the five-year survey of</p> <p>5 inspections done for the load line certification you</p> <p>6 mentioned the taking of audio gauging?</p> <p>7 A. Yeah, they always do audio gauges.</p> <p>8 Q. And what are audio gauges?</p> <p>9 A. It's an ultrasonic unit that measures material</p> <p>10 thickness.</p> <p>11 Q. And what specifically would be measured during the</p> <p>12 five-year surveys, what sort of materials would be</p> <p>13 measured?</p> <p>14 A. Well, the plating thickness of the hull.</p> <p>15 Q. Who would do that?</p> <p>16 A. ABS required to witness the audio gauges. The person</p> <p>17 actually doing the measurements could be owner, could</p> <p>18 be a shipyard worker, or an outside consultant who was</p> <p>19 hired to do it.</p> <p>20 Q. Have you ever done those --</p> <p>21 A. Yes.</p> <p>22 Q. -- for a five-year survey?</p> <p>23 A. Yes.</p> <p>24 Q. How many times have you done that?</p> <p>25 A. I'm not sure. Between my two ABS vessels probably</p>

Gregory Busch
August 24, 2021

<p style="text-align: right;">Page 46</p> <p>1 four or five times.</p> <p>2 Q. When would the first time have been?</p> <p>3 A. I don't know. I'm going to say somewhere around 2000.</p> <p>4 Q. Did you have to have any sort of certification to do</p> <p>5 that?</p> <p>6 A. Yeah. I had a -- because of machine shop I had a NGT</p> <p>7 certificate.</p> <p>8 Q. When did you obtain?</p> <p>9 A. About the same time, 2000.</p> <p>10 Q. Did that certificate have to be renewed in any way?</p> <p>11 A. That was actually (inaudible), there wasn't any</p> <p>12 expiration date on it.</p> <p>13 Q. Was the certification required to do the audio gauges</p> <p>14 for your various vessels, is it the same certification</p> <p>15 or was there a different certification required for</p> <p>16 certain of the vessels?</p> <p>17 A. Well, it changed over time. For a while ABS required</p> <p>18 that audio gauges had to be done by somebody certified</p> <p>19 by ABS, and that was met with a lot of resistance from</p> <p>20 the shipyards and people in the industry, so they</p> <p>21 dropped that requirement for a number of years, and</p> <p>22 then about, oh, I'm not sure, I think in the last</p> <p>23 couple years here I kind of lost interest because I'm</p> <p>24 not doing those things anymore, but they have a new</p> <p>25 requirement now, and there's almost no one that's</p>	<p style="text-align: right;">Page 48</p> <p>1 like the STC2004, how many readings in total would you</p> <p>2 do?</p> <p>3 A. Well, it depends on the size of the vessel, you know,</p> <p>4 and what the ABS surveyor requires, but I guess like</p> <p>5 on STC there would be in excess of 100.</p> <p>6 Q. Would the ABS surveyor also go to areas of the barge</p> <p>7 where they deemed or might have visualized corrosion</p> <p>8 or things like that and specifically requested in</p> <p>9 those areas that readings be taken?</p> <p>10 A. Absolutely.</p> <p>11 Q. So was a survey done in 2013 for the STC2004, correct?</p> <p>12 A. Yes.</p> <p>13 Q. And was that a five-year survey or a damage survey or</p> <p>14 both?</p> <p>15 A. Both.</p> <p>16 Q. Was it all done as one, or did -- was there different</p> <p>17 aspects of both surveys?</p> <p>18 A. No, I'm not sure how to answer that because, I mean,</p> <p>19 it all falls together. Whatever repairs went under</p> <p>20 damage or they're just corrosion related ABS saw</p> <p>21 basically goes through the shipyard. You walk through</p> <p>22 with an ABS surveyor and a shipyard personnel and</p> <p>23 everybody takes notes, and I -- the ABS surveyor tells</p> <p>24 shipyard what repairs to make, and there's not really</p> <p>25 a clear yeah, this is damage, this is repair.</p>
<p style="text-align: right;">Page 47</p> <p>1 certified now to do audio gauges.</p> <p>2 Q. Had you ever done the audio gauges for the STC2004</p> <p>3 other than in the year 2013?</p> <p>4 A. I think I did the six years prior to that.</p> <p>5 Q. And that was under the -- strike that.</p> <p>6 Was that with an ABS surveyor present when</p> <p>7 you did those?</p> <p>8 A. Yeah. The ABS surveyor stands right there and watches</p> <p>9 you do every one of them.</p> <p>10 Q. Does the surveyor give any instruction or direction as</p> <p>11 to where the gauges are supposed to be done?</p> <p>12 A. Yes.</p> <p>13 Q. Is that with regard to all the gaugings that are done,</p> <p>14 they're all basically done at the direct examination</p> <p>15 of the ABS surveyor?</p> <p>16 A. Yeah, they're -- generally they do a three belts.</p> <p>17 They do one belt forward, one belt midship and one</p> <p>18 belt aft, and then any areas that the surveyor is</p> <p>19 interested in.</p> <p>20 Q. I'm sorry, you said one belt?</p> <p>21 A. Yeah. It's where you go all the way around the deck,</p> <p>22 down the sides, across the bottom and up the other</p> <p>23 side and across the deck again, it's called a belt.</p> <p>24 Q. And your prior experience with regards to doing the</p> <p>25 audio gauging for the bottom of the hull for a barge</p>	<p style="text-align: right;">Page 49</p> <p>1 Q. Was there in 2013 the aspect of a five-year survey in</p> <p>2 addition to whatever was required of the damage</p> <p>3 survey?</p> <p>4 A. I'm not sure I understand your question.</p> <p>5 Q. For example, were the audio gaugings required in the</p> <p>6 similar way as they were had there not been a damage</p> <p>7 survey being done?</p> <p>8 A. Well, 2013 we did the full five-year and audio gauges</p> <p>9 and the five-year inspection, and in addition to that,</p> <p>10 you know, ABS surveyor stipulated what repairs had to</p> <p>11 be made from the damage.</p> <p>12 Q. Okay. Do you know who the ABS surveyor was?</p> <p>13 A. Yeah, she was out of Toledo. Trying to think of what</p> <p>14 her name was.</p> <p>15 Q. Jessica Ward?</p> <p>16 A. Yeah, Jessica Ward, yeah.</p> <p>17 Q. Had she previously done any surveys for the STC2004?</p> <p>18 A. Yeah, she had done my tug and she had done STC</p> <p>19 numerous times.</p> <p>20 Q. Do you know how far back she went in terms of doing</p> <p>21 surveys for you or Busch Marine?</p> <p>22 A. I'm trying to think here. She came on probably about</p> <p>23 2011 or '12, somewhere around in there.</p> <p>24 Q. Would all of your -- all of your or Busch Marine</p> <p>25 barges have received load line certification?</p>

Gregory Busch
August 24, 2021

<p style="text-align: right;">Page 50</p> <p>1 A. Just the STC and the tug Gregory J. Busch.</p> <p>2 Q. For how long have you had the Gregory J. Busch?</p> <p>3 A. Since 1977.</p> <p>4 Q. How often would that have to be, same?</p> <p>5 A. It's same -- it's the same for any vessel.</p> <p>6 Q. Okay. Do you know if the five-year surveys were being</p> <p>7 done on the Gregory J. Busch in the same years as for</p> <p>8 the STC2004?</p> <p>9 A. No, they're scattered.</p> <p>10 Q. As far as the 2013 survey, were you present for the --</p> <p>11 while it was being done?</p> <p>12 A. Yes.</p> <p>13 Q. For the entirety of it?</p> <p>14 A. Yes.</p> <p>15 Q. Was there anyone else from Busch Marine present?</p> <p>16 A. No, not really.</p> <p>17 Q. And Jessica Ward was present?</p> <p>18 A. Yes.</p> <p>19 Q. Was she present for the entirety of it?</p> <p>20 A. No. The ABS surveyor comes first day of dry dock.</p> <p>21 She is here usually for that day and they generally</p> <p>22 have to pressure wash the bottom of the vessel and she</p> <p>23 will come back and do a bottom inspection at that</p> <p>24 point, and she would -- not her, but ABS surveyor will</p> <p>25 come back, look at the inside of the vessel, and then</p>	<p style="text-align: right;">Page 52</p> <p>1 (Back on the record at 2:25 p.m.)</p> <p>2 BY MR. CULLINAN:</p> <p>3 Q. Again, Mr. Busch, the audio gauge readings that we</p> <p>4 have been talking about that are taken as part of the</p> <p>5 five-year survey, those are to determine the thickness</p> <p>6 of the hull?</p> <p>7 A. Is there a question there?</p> <p>8 Q. Yeah, am I correct about that?</p> <p>9 A. Yes.</p> <p>10 Q. And consistent with that it's also to determine</p> <p>11 whether and to what extent there has been</p> <p>12 deterioration of the steel of the hull, correct?</p> <p>13 A. Yes.</p> <p>14 Q. Is there a maximum allowable deterioration from the</p> <p>15 hull or from its original condition that will be</p> <p>16 allowed for a load line certification issued without</p> <p>17 any repairs needing to be made?</p> <p>18 A. It's somewhat discretionary with the surveyor.</p> <p>19 Q. All right. Is there a -- any rule of thumb that you</p> <p>20 are aware of that if X amount of deterioration is</p> <p>21 determined that repairs will be required?</p> <p>22 A. I don't know what the number is and what the surveyor</p> <p>23 criteria is, no.</p> <p>24 Q. Do you recall specifically the areas that you took</p> <p>25 readings in as part of that 2013 survey?</p>
<p style="text-align: right;">Page 51</p> <p>1 if -- when the repairs are started and they cut out</p> <p>2 the pieces and they fit in the new pieces before</p> <p>3 they're allowed to do the welding, she will come back</p> <p>4 and check the fit up to make sure that they don't</p> <p>5 have, you know, a bad setup up for the welding or big</p> <p>6 gaps between the two pieces of new weld and so on. So</p> <p>7 the surveyor is generally in quite a few times, and</p> <p>8 then they can also drop in any time at their leisure.</p> <p>9 Q. Is there anyone else present during the survey setting</p> <p>10 aside repair personnel?</p> <p>11 A. Nah, generally not, no.</p> <p>12 MR. BLEVINS: Is this a convenient time to</p> <p>13 take a short break?</p> <p>14 MR. CULLINAN: I'm sorry?</p> <p>15 MR. BLEVINS: I'm sorry. At a convenient</p> <p>16 time could we take a short break?</p> <p>17 MR. CULLINAN: Oh, absolutely. I'm sorry.</p> <p>18 Yeah, Mr. Busch, if you need to take a break at any</p> <p>19 time let me know.</p> <p>20 THE WITNESS: Sure.</p> <p>21 MR. CULLINAN: Yeah, that's fine. Want to</p> <p>22 take ten minutes?</p> <p>23 MR. BLEVINS: Okay. Thank you.</p> <p>24 MR. CULLINAN: Thank you.</p> <p>25 (Recess taken at 2:15 p.m.)</p>	<p style="text-align: right;">Page 53</p> <p>1 A. Well, there were three belts, one forward, one</p> <p>2 midship, one aft, and then there were readings up in</p> <p>3 the forward rake. There were some readings in the</p> <p>4 repair areas, and beyond that that's about all I</p> <p>5 recall.</p> <p>6 Q. And what specifically did you then do with those gauge</p> <p>7 readings?</p> <p>8 A. They were recorded on a -- basically a drawing of the</p> <p>9 vessel.</p> <p>10 Q. And then what happens with them?</p> <p>11 A. Well, they're submitted to ABS, and I believe they</p> <p>12 submit them for review somewhere else and probably at</p> <p>13 their office and the come back either approved or</p> <p>14 disapproved.</p> <p>15 Q. Do you hand that information to the surveyor who's</p> <p>16 standing right there with you as they're taken?</p> <p>17 A. No. It takes a while to record, you know, the</p> <p>18 document.</p> <p>19 Q. While those readings are taken is the surveyor</p> <p>20 checking the instrument that you're using to make sure</p> <p>21 the readings are accurate?</p> <p>22 A. Yes. Scale operated periodically during the survey.</p> <p>23 Q. And the surveyor is doing that?</p> <p>24 A. Usually the audio gauge operator, but the surveyor</p> <p>25 watches when you do it. It's a simple procedure.</p>

Gregory Busch
August 24, 2021

<p style="text-align: right;">Page 54</p> <p>1 Q. Do you know if there were any specific areas involving</p> <p>2 corrosion or anything like that that the ABS surveyor,</p> <p>3 Jessica Ward, asked you to take readings of during the</p> <p>4 2013 survey?</p> <p>5 A. Well, any areas that didn't meet her satisfaction were</p> <p>6 repaired.</p> <p>7 Q. Okay. But do you recall any instances where she said</p> <p>8 I need you to take specifically a survey or a gauge</p> <p>9 reading in a particular area?</p> <p>10 A. Yeah, I said that earlier. Forward rake and some</p> <p>11 other -- or areas of (inaudible).</p> <p>12 COURT REPORTER: I'm sorry, areas of what?</p> <p>13 I'm sorry, forward break and what?</p> <p>14 THE WITNESS: Areas of repair.</p> <p>15 BY MR. CULLINAN:</p> <p>16 Q. Would it be accurate that 100 percent of the gauge</p> <p>17 readings you -- that you took were at the direction</p> <p>18 of -- the location of those readings were at the</p> <p>19 direction of Ms. Ward?</p> <p>20 A. Yes.</p> <p>21 Q. Did the amount of gauge readings that you took, was</p> <p>22 that approximately the same amounts that you had taken</p> <p>23 in the past of that barge?</p> <p>24 A. It was slightly more than usual.</p> <p>25 Q. And what sort of instrument were you using?</p>	<p style="text-align: right;">Page 56</p> <p>1 you. I'm showing you a document, a multi-page</p> <p>2 document, that was again produced by you in this case</p> <p>3 that is Bates number P224 through P233, and I'm going</p> <p>4 to start with just page 1. It says barge STC2004</p> <p>5 ultrasonic thickness survey 18 May 2013, owned by</p> <p>6 Busch Marine, Inc., and it gives some information</p> <p>7 regarding the barge itself. Starting with this page</p> <p>8 are you familiar with this document?</p> <p>9 A. Yes.</p> <p>10 Q. All right. And I will generally scroll down it to the</p> <p>11 second page. Says gauging is taken at Toledo</p> <p>12 Shipyard, Toledo, Ohio 18 May 2013 for American Bureau</p> <p>13 of Shipping. Would you have produced that document or</p> <p>14 prepared it?</p> <p>15 A. Yes.</p> <p>16 Q. And is that where the 2013 survey was done, at the</p> <p>17 Toledo Shipyard?</p> <p>18 A. I don't recall.</p> <p>19 Q. It says gaugings taken with 2000 BUTG ultrasonic</p> <p>20 thickness gauge calibrated and checked frequently</p> <p>21 during use. Is that something that -- that's what you</p> <p>22 would have written in this document?</p> <p>23 A. Yes.</p> <p>24 Q. And it says gaugings were taken under the direction of</p> <p>25 the ABS surveyor and owner's representative.</p>
<p style="text-align: right;">Page 55</p> <p>1 A. I don't remember the brand name or the model.</p> <p>2 Q. Were you the one charged with calibrating it?</p> <p>3 A. I believe I answered that.</p> <p>4 Q. Okay. What's the answer?</p> <p>5 A. Yes, I calibrated it.</p> <p>6 Q. And Surveyor Ward confirmed the calibration?</p> <p>7 A. Yes.</p> <p>8 Q. How did she go about that?</p> <p>9 A. She watched the calibration procedure.</p> <p>10 Q. Was she present the entire time you took the gauge</p> <p>11 reading?</p> <p>12 A. I don't recall, you know. I would have to say yes.</p> <p>13 You know, there were a lot of things going on on the</p> <p>14 dry dock. She might have been, you know, missing for</p> <p>15 a few minutes at a time, but not much.</p> <p>16 Q. And you took those on May 18, 2013?</p> <p>17 A. I don't know. I don't recall the date, no.</p> <p>18 Q. Do you see the document that I just put up?</p> <p>19 A. No.</p> <p>20 MR. BLEVINS: It may just take a while.</p> <p>21 MR. CULLINAN: How about now?</p> <p>22 MR. BLEVINS: Yes. We can see it, a small</p> <p>23 portion of it.</p> <p>24 BY MR. CULLINAN:</p> <p>25 Q. Unfortunately I'm going to have to scroll down for</p>	<p style="text-align: right;">Page 57</p> <p>1 A. Yes.</p> <p>2 Q. That's also -- that's also what you would have</p> <p>3 written?</p> <p>4 A. Yes.</p> <p>5 Q. And the ABS surveyor that you're referring to was</p> <p>6 Jessica Ward?</p> <p>7 A. Yes.</p> <p>8 Q. And then there are various pages that have drawings</p> <p>9 and handwritten measurements related to certain areas</p> <p>10 of the barge; is that correct?</p> <p>11 A. Yes.</p> <p>12 Q. And after each page of drawings then there is sort of</p> <p>13 a same information but contained in chart form?</p> <p>14 A. Yes.</p> <p>15 Q. And this is a document that -- well, strike that.</p> <p>16 Do you know if you did the build in --</p> <p>17 strike that again. I'm sorry.</p> <p>18 The information on the charts, the diagrams</p> <p>19 that have the handwritten information, is all of that</p> <p>20 your handwriting?</p> <p>21 A. Yes.</p> <p>22 Q. And would you have done that contemporaneously with</p> <p>23 when you were taking the measurements?</p> <p>24 A. I don't recall. I could have.</p> <p>25 Q. And how about the chart then that corresponds with the</p>

Gregory Busch
August 24, 2021

<p style="text-align: right;">Page 58</p> <p>1 diagram and the handwritten information, when would</p> <p>2 that have been prepared?</p> <p>3 A. It would have been after.</p> <p>4 Q. I'm sorry, after what?</p> <p>5 A. It would have been done after the measurements were</p> <p>6 taken.</p> <p>7 Q. Would those measurements in any form have been given</p> <p>8 to Surveyor Ward that day?</p> <p>9 A. I don't recall. Possible.</p> <p>10 Q. And I'm scrolling down trying to do it somewhat</p> <p>11 slowly, but if you need me to do it more slowly please</p> <p>12 tell me. I'm going to go up just a little bit, and</p> <p>13 the first drawing that we see is page 226, and it says</p> <p>14 by location starboard 2 aft end looking aft. Do you</p> <p>15 see that?</p> <p>16 A. Right. Yes.</p> <p>17 Q. Would that starboard 2 be referring to number 2 tank</p> <p>18 on the starboard side?</p> <p>19 A. Yes.</p> <p>20 Q. And is that number 2 tank out of the four tanks on the</p> <p>21 starboard side?</p> <p>22 A. Yes.</p> <p>23 Q. All right. And then it looks like again the typed-out</p> <p>24 information on the next page seems to correspond to</p> <p>25 that with starboard 2 aft end?</p>	<p style="text-align: right;">Page 60</p> <p>1 Q. And on that it looks like there's five -- ten</p> <p>2 measurements that were done, correct, five on each</p> <p>3 side?</p> <p>4 A. Yes.</p> <p>5 Q. And then there is the corresponding typed-out</p> <p>6 document, correct?</p> <p>7 A. Yes.</p> <p>8 Q. And that's the end of the document. Is that the</p> <p>9 complete set of audio gauge readings that you took?</p> <p>10 A. No. There were some that -- I'll take one here, and</p> <p>11 if it was a good reading, you know, it wasn't recorded</p> <p>12 and she -- there were probably two dozen of those.</p> <p>13 Q. So there were readings you took that were not recorded</p> <p>14 and they're not part of this package, correct?</p> <p>15 A. That's correct.</p> <p>16 Q. Why were not those not included?</p> <p>17 A. That was, you know, her decision. Well, you don't</p> <p>18 have to write that one down, it's good.</p> <p>19 Q. On -- setting aside the random pages, is the other two</p> <p>20 drawings that we talked about were of the port number</p> <p>21 2 aft tank and the starboard number 2 aft tank,</p> <p>22 correct?</p> <p>23 A. Yes.</p> <p>24 Q. Were there no readings taken of the other three tanks</p> <p>25 on the starboard side and the other three tanks on the</p>
<p style="text-align: right;">Page 59</p> <p>1 A. Correct.</p> <p>2 Q. All right. The next drawing says location port 2 aft</p> <p>3 end looking forward. Do you see that?</p> <p>4 A. Yes.</p> <p>5 Q. So that would be the number 2 tank on the port side?</p> <p>6 A. Yes.</p> <p>7 Q. And then likewise, the next typewritten page seems to</p> <p>8 correspond to that, says midship port 2 aft, correct?</p> <p>9 A. Yes.</p> <p>10 Q. The next page after that says random side shell</p> <p>11 measurements. Where on the barge would that be, those</p> <p>12 measurements relate to?</p> <p>13 A. Well, it's shown on the drawing.</p> <p>14 Q. But those are the sides of the barge and not the</p> <p>15 bottom of the hull?</p> <p>16 A. The drawing segues -- I'm trying to read it. Yeah, it</p> <p>17 shows the side of the barge, not the bottom.</p> <p>18 Q. Then there is again the corresponding typed</p> <p>19 information that would be information in the drawing,</p> <p>20 correct?</p> <p>21 A. Yes.</p> <p>22 Q. Then there are the page with the drawing and</p> <p>23 handwritten numbers, random bottom plate measurements,</p> <p>24 correct?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 61</p> <p>1 port side?</p> <p>2 A. Well, as I said before, the procedure, the requirement</p> <p>3 was three belts, and those -- what's in the report</p> <p>4 requested three belts plus a few other ones.</p> <p>5 Q. Is that requirement written somewhere?</p> <p>6 A. I don't know, but I assume it is, because every five</p> <p>7 year I've ever done that's the way they're done.</p> <p>8 Q. But I'm correct there were no readings taken of the</p> <p>9 other three starboard tanks and the other three port</p> <p>10 tanks?</p> <p>11 A. I'm thinking here. Yeah, what's in the report is what</p> <p>12 was officially recognized as survey.</p> <p>13 Q. Okay. But my question is were there gauge readings</p> <p>14 taken of the starboard tanks 1, 3 and 4, and were</p> <p>15 there gauge readings taken of the port tanks 1, 3 and</p> <p>16 4?</p> <p>17 A. Well, a midship belt was in port starboard 3.</p> <p>18 Q. And where is that recorded here?</p> <p>19 A. Well, I had half of a drawing on here. I can't tell</p> <p>20 where they're at in the document. It's in the report.</p> <p>21 MR. BLEVINS: Let me just (inaudible.)</p> <p>22 COURT REPORTER: I can't hear you, Mr.</p> <p>23 Blevins.</p> <p>24 MR. BLEVINS: I'm sorry. I believe</p> <p>25 everybody here is doing the best we can to go through</p>

Gregory Busch
August 24, 2021

<p style="text-align: right;">Page 62</p> <p>1 documents under these technological information, but</p> <p>2 it really is the case sometimes we'll see about a</p> <p>3 third of the page, and I think the witness is trying</p> <p>4 to make sense, but there may be times when there are</p> <p>5 things that he doesn't see or doesn't know that he</p> <p>6 doesn't see.</p> <p>7 MR. CULLINAN: All he has to do is tell me.</p> <p>8 MR. BLEVINS: Well, he can't tell you --</p> <p>9 then the answer is, you know, to make this as</p> <p>10 confident and we need to be -- we need to have the</p> <p>11 full document and he needs to be able to inspect the</p> <p>12 full document as he would at a normal deposition. But</p> <p>13 I recognize these are difficult times and we are doing</p> <p>14 the best we can with this technology, but there are</p> <p>15 times when he only sees -- he's looking at a drawing</p> <p>16 and he only sees a fraction of the drawing.</p> <p>17 MR. CULLINAN: I understand it. I'm going</p> <p>18 to go as slow as I need to go so he can answer that</p> <p>19 question about whether there were gauge readings taken</p> <p>20 in those six other tanks that aren't included here.</p> <p>21 MR. BLEVINS: And I think -- may I see if I</p> <p>22 can help you under the view menu there? Is it</p> <p>23 possible for you to click on view and reduce the size</p> <p>24 of the document and then rotate the pages so that he</p> <p>25 can see --</p>	<p style="text-align: right;">Page 64</p> <p>1 this sideways.</p> <p>2 Q. All right. I'm happy to rotate it for you. So that</p> <p>3 was the page following the diagram that we just</p> <p>4 discussed?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. Again, that's just the starboard 2 tank,</p> <p>7 correct?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. Then the next page is again a diagram. When it</p> <p>10 says location it says port 2 aft end, correct?</p> <p>11 A. Yes.</p> <p>12 Q. So that is just number 2 tank on the port side,</p> <p>13 correct?</p> <p>14 A. Yes.</p> <p>15 Q. All right. And the information on the next page is</p> <p>16 the typewritten version of that same information,</p> <p>17 correct?</p> <p>18 A. Yes.</p> <p>19 Q. Then the next page is the drawing with the random side</p> <p>20 shell measurements, correct?</p> <p>21 A. Yes.</p> <p>22 Q. And that indicates the midship belt where it's at on</p> <p>23 the vessel, correct?</p> <p>24 A. Yes. It's not the midship belt. It was random side</p> <p>25 shell measurements.</p>
<p style="text-align: right;">Page 63</p> <p>1 MR. CULLINAN: Yeah, yeah. Please, any</p> <p>2 time you think there is something I can do to make</p> <p>3 this easier --</p> <p>4 MR. BLEVINS: I know you're doing -- I know</p> <p>5 you're doing your best and we are doing our best too,</p> <p>6 so -- and then if you can rotate that? Yes.</p> <p>7 MR. CULLINAN: Wrong way.</p> <p>8 THE WITNESS: Yeah, it's upside down now.</p> <p>9 MR. CULLINAN: Yep.</p> <p>10 MR. BLEVINS: Okay. Now I think we could</p> <p>11 maybe increase the size a little bit to make it a</p> <p>12 little bit more readable. Thank you.</p> <p>13 MR. CULLINAN: Sure.</p> <p>14 BY MR. CULLINAN:</p> <p>15 Q. All right. So this is the first drawing. This is</p> <p>16 page 226, and I believe other than the Bate stamp what</p> <p>17 you're seeing is the entirety of the page. And again,</p> <p>18 where it says location starboard 2 aft end, is this</p> <p>19 entire diagram just of the starboard number 2 tank?</p> <p>20 A. That's correct.</p> <p>21 Q. Okay. Then scrolling down slowly as we discussed</p> <p>22 before, the written information is of what was</p> <p>23 contained on the prior page, correct? I'll rotate it</p> <p>24 if you need it.</p> <p>25 A. Yes, there were 2 aft on there. We're trying to read</p>	<p style="text-align: right;">Page 65</p> <p>1 COURT REPORTER: I'm sorry, can you repeat</p> <p>2 that, sir? It was what?</p> <p>3 THE WITNESS: It is not the midship belt.</p> <p>4 It's just random measurements.</p> <p>5 BY MR. CULLINAN:</p> <p>6 Q. Then the next page is the typed-out version of that</p> <p>7 same information regarding the random side shell</p> <p>8 measurements, correct?</p> <p>9 A. Yes.</p> <p>10 Q. And the next page?</p> <p>11 A. Yeah, random bottom plate measurements.</p> <p>12 Q. Correct. And those measurements are there -- there is</p> <p>13 a total of ten measurements there, correct?</p> <p>14 A. Yes.</p> <p>15 Q. And are there measurements from all eight of the port</p> <p>16 and starboard tanks there?</p> <p>17 A. There is two in the forward rake, two in the number</p> <p>18 1s, two in the number 2s, two in number 3s, two in the</p> <p>19 number 4s, yes.</p> <p>20 Q. And with regard to these random item-placed</p> <p>21 measurements, do you know who decided to take these</p> <p>22 and where?</p> <p>23 A. Jesse Ward would have.</p> <p>24 Q. Okay. Now, the bottom numbers on all of these ten</p> <p>25 measurements are the same, correct, 375?</p>

Gregory Busch
August 24, 2021

<p style="text-align: right;">Page 66</p> <p>1 A. That was the original thickness, yes.</p> <p>2 Q. And then I see that seven of the ten, the top number</p> <p>3 is bigger than 375, correct?</p> <p>4 A. Those are areas that we had replaced bottom plating.</p> <p>5 Q. Okay. So the ten -- seven of the ten random</p> <p>6 measurements were of areas that had the bottom plating</p> <p>7 replaced, correct?</p> <p>8 A. Yes.</p> <p>9 Q. And the other three measurements were areas -- some</p> <p>10 areas that did not have it replaced, correct?</p> <p>11 A. Yes.</p> <p>12 Q. Were there other areas of the bottom plating that were</p> <p>13 not replaced that were not measured?</p> <p>14 A. Yes.</p> <p>15 Q. And then the final page of this document is again the</p> <p>16 typewritten version of those, of the information in</p> <p>17 the diagram with regard to the ten random, correct?</p> <p>18 A. Yes.</p> <p>19 Q. So that's the last page of the document, so --</p> <p>20 MR. BLEVINS: It's the last page of the</p> <p>21 document that you have shown us.</p> <p>22 BY MR. CULLINAN:</p> <p>23 Q. It's the last page of the document that you produced.</p> <p>24 MR. BLEVINS: So we can -- so I hear what</p> <p>25 you're saying, but we can't agree to that, you know.</p>	<p style="text-align: right;">Page 68</p> <p>1 Q. When those audio gauge readings are submitted to ABS</p> <p>2 are they in the form that we just looked at or some</p> <p>3 other form?</p> <p>4 A. No, that form.</p> <p>5 Q. I think briefly we talked about at some point in early</p> <p>6 2019 you or Busch Marine, Inc. decided to try to sell</p> <p>7 the STC2004?</p> <p>8 A. Yes.</p> <p>9 Q. Was the very first thing you did in regard to that</p> <p>10 retain a broker?</p> <p>11 A. Yes.</p> <p>12 Q. Was there a particular broker you worked with on this?</p> <p>13 A. Yeah, Tony Iorio.</p> <p>14 Q. You want to spell his last name as best you can?</p> <p>15 A. I was hoping you wouldn't ask that. I think it's</p> <p>16 I-O-R-I-O.</p> <p>17 Q. And you had never worked with Tony or with Sun Marine</p> <p>18 (sic) on anything before?</p> <p>19 A. I don't think so, no.</p> <p>20 Q. Can you tell me to the extent of your knowledge what</p> <p>21 Sun Machine (sic) did to try and find a buyer for the</p> <p>22 barge?</p> <p>23 A. They have a website. Other than that I don't know</p> <p>24 what he does.</p> <p>25 Q. While Sun Machinery was doing whatever you were doing</p>
<p style="text-align: right;">Page 67</p> <p>1 We just hear what you're saying.</p> <p>2 BY MR. CULLINAN:</p> <p>3 Q. Okay. What I'm going to ask you again is are there</p> <p>4 measurements of tanks 1, 3 and 4 on the starboard side</p> <p>5 and measurements of tanks 1, 3, 4 on the port side</p> <p>6 that were not taken -- I'm sorry, that were taken that</p> <p>7 are not included in this documents?</p> <p>8 A. I have to think, because I remember gauging them in</p> <p>9 the front end of port and starboard compartment 3.</p> <p>10 Q. Okay. But for some reason that information was not</p> <p>11 included in this document given to ABS?</p> <p>12 A. Well, ABS is got a complete report. I don't think</p> <p>13 this document is complete.</p> <p>14 Q. Do you have a complete document somewhere?</p> <p>15 A. We should, yes.</p> <p>16 Q. A this date is correct, May 18, 2013, correct?</p> <p>17 A. As far as I know.</p> <p>18 Q. And again, to be absolutely certain, these gauge</p> <p>19 readings were done with Jessica Ward present?</p> <p>20 A. Yes.</p> <p>21 Q. Other than your surveyor and having done surveys of</p> <p>22 the barge, do you know Ms. Ward outside of that role?</p> <p>23 In other words, do you have any friendship with her or</p> <p>24 anything like that?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 69</p> <p>1 were you also doing anything to try and market the</p> <p>2 barge?</p> <p>3 A. No.</p> <p>4 Q. Do you know whether you or Sun Machinery advised the</p> <p>5 sale of the barge anywhere?</p> <p>6 A. I did not. I don't know if Sun Machinery did.</p> <p>7 Q. Do you know if Sun Machinery ever provided you with</p> <p>8 any marketing materials that they were using to try</p> <p>9 and sell the barge?</p> <p>10 A. No, they did not.</p> <p>11 Q. Did you make any attempt to contact anybody in the</p> <p>12 construction business or the marine towing industry or</p> <p>13 anyone like that about their interest in the purchase</p> <p>14 of the barge?</p> <p>15 A. No.</p> <p>16 Q. Over the entire time that the barge was being offered</p> <p>17 for sale did any persons or entities come to do an</p> <p>18 inspection of the barge?</p> <p>19 A. No.</p> <p>20 Q. Did anyone come to look at the barge?</p> <p>21 A. No.</p> <p>22 Q. Did anyone from Calumet come to look at the barge?</p> <p>23 A. Yes, Terry Hoeckendorff.</p> <p>24 Q. Do you know who Bob Ojala is?</p> <p>25 A. Yes, he is a surveyor.</p>

Gregory Busch
August 24, 2021

<p style="text-align: right;">Page 70</p> <p>1 Q. Do you know whether he ever came on behalf of anybody</p> <p>2 to look at the barge?</p> <p>3 A. Yeah, let me back up here a little bit. Bob Ojala and</p> <p>4 Greg Belleville (phonetic), I think his name is, from</p> <p>5 Great Lakes Towing came to look at the barge the</p> <p>6 previous November. That was prior to it really being</p> <p>7 for sale.</p> <p>8 Q. That would have been November of 2018?</p> <p>9 A. Yes.</p> <p>10 Q. I'm sorry, the name of that person was who, Greg what?</p> <p>11 A. He's the president of Great Lakes Towing. It's Greg</p> <p>12 Dabil (phonetic). Don't ask me to spell that one.</p> <p>13 Q. And he came to look at the barge with Bob Ojala?</p> <p>14 A. Yes.</p> <p>15 Q. Have you ever had any contact from Greg from Great</p> <p>16 Lakes Towing or Bob with regard to the sale of the</p> <p>17 barge before looking at it?</p> <p>18 A. I think Greg stopped by once and he was mainly</p> <p>19 interested in discussing, because Great Lakes Towing</p> <p>20 has a shipyard and he was trying to sell me on hiring</p> <p>21 them to do (inaudible) --</p> <p>22 COURT REPORTER: I'm sorry, sir, he was</p> <p>23 trying to sell you on what?</p> <p>24 THE WITNESS: Subchapter on a sea</p> <p>25 regulation for tugs.</p>	<p style="text-align: right;">Page 72</p> <p>1 Q. Were there any -- strike that.</p> <p>2 After that day did anybody from Great Lakes</p> <p>3 Towing or on behalf of the Great Lakes Towing come</p> <p>4 back and look at the barge again?</p> <p>5 A. No.</p> <p>6 Q. Were there any further conversations between you or</p> <p>7 anyone on behalf of Busch Marine, Inc. and anyone from</p> <p>8 Great Lakes Towing regarding the purchase of the</p> <p>9 barge?</p> <p>10 A. Yes.</p> <p>11 Q. When did those occur and between whom?</p> <p>12 A. I don't recall the dates obviously, but I think Greg</p> <p>13 called and discussed questions at various times, and I</p> <p>14 think in February I called and asked him if they were</p> <p>15 interested or not, and he said that they were having</p> <p>16 discussions with their board members, and I didn't</p> <p>17 hear anything, and then I contacted Bob Ojala, who was</p> <p>18 at the time in Aruba, and I asked Bob if there was</p> <p>19 further interest in the part of Great Lakes Towing,</p> <p>20 and he said he did not know and that he would check</p> <p>21 and get back to me. He never got back to me. And a</p> <p>22 couple weeks later I did get ahold of Greg again and</p> <p>23 he said that the barge and tug did not meet Great</p> <p>24 Lakes Towing business model.</p> <p>25 Q. Was there ever any documentation exchanged between you</p>
<p style="text-align: right;">Page 71</p> <p>1 BY MR. CULLINAN:</p> <p>2 Q. Was Great Lakes Towing someone that you or Busch</p> <p>3 Marine, Inc. had previously worked with in the past?</p> <p>4 A. Over the past four years I have hired one of their</p> <p>5 tugs twice.</p> <p>6 Q. Were you present when Greg and Bob Ojala came to look</p> <p>7 at the STC2004 in November of 1990 -- 2018?</p> <p>8 A. Yes.</p> <p>9 Q. What sort of -- can you tell me what they did while</p> <p>10 they were there in terms of when you observed them?</p> <p>11 A. What was the last part of your question?</p> <p>12 Q. As far as what you observed them doing can you tell me</p> <p>13 what that was?</p> <p>14 A. Yeah, they walked through the tug, looked at that, and</p> <p>15 they also went in the compartments on the barge.</p> <p>16 Q. Did you have any conversation with them about what</p> <p>17 they had observed?</p> <p>18 A. Yes.</p> <p>19 Q. And can you tell me the extent of the conversation you</p> <p>20 had?</p> <p>21 A. Greg said that he had -- both barges were in good</p> <p>22 condition and that they would possibly be interested</p> <p>23 in buying both as a package.</p> <p>24 Q. Did Bob Ojala say anything?</p> <p>25 A. Not that I recall. He was pretty silent.</p>	<p style="text-align: right;">Page 73</p> <p>1 and Great Lakes Towing with regard to the potential</p> <p>2 purchase of the barge?</p> <p>3 A. There may have been some e-mails that went back and</p> <p>4 forth.</p> <p>5 Q. Had you known Bob Ojala before that?</p> <p>6 A. Once -- I think he did an insurance survey. I don't</p> <p>7 remember when. It was a long, long time ago. 25, 30</p> <p>8 years ago, and he had some friction on that.</p> <p>9 Q. He did an insurance survey on a vessel you owned?</p> <p>10 A. Yeah, both -- I think both barges and tug.</p> <p>11 Q. Is that the only time you've ever -- strike that.</p> <p>12 Who was he acting on behalf of you or the</p> <p>13 insurance company at that time?</p> <p>14 A. I'm sorry, what's that?</p> <p>15 Q. Who was he acting on behalf of at that time, you or</p> <p>16 the insurance company?</p> <p>17 A. The insurance company generally hired the surveyors.</p> <p>18 Q. Had you ever hired him as a surveyor?</p> <p>19 A. No.</p> <p>20 Q. Other than that instance that you just mentioned, has</p> <p>21 he ever surveyed anything of yours or Busch Marine?</p> <p>22 A. No.</p> <p>23 Q. Do you know anything about his qualifications?</p> <p>24 A. A little bit. He claims to be a naval architect, at</p> <p>25 least not a practicing one.</p>

Gregory Busch
August 24, 2021

<p style="text-align: right;">Page 74</p> <p>1 COURT REPORTER: I'm sorry, he claims to be</p> <p>2 a what?</p> <p>3 THE WITNESS: A naval architect, but not a</p> <p>4 practicing one.</p> <p>5 BY MR. CULLINAN:</p> <p>6 Q. Have you ever looked into his qualification?</p> <p>7 A. Personally, no.</p> <p>8 Q. Do you have the information that you just told us</p> <p>9 about? Where did you get that information?</p> <p>10 A. From Northeast Central Engineers.</p> <p>11 Q. When you say he is not a practicing architect what do</p> <p>12 you mean? Practicing naval architect, what do you</p> <p>13 mean by that?</p> <p>14 A. Well, he -- I was told by Northeast that he may have a</p> <p>15 degree in the naval architecture but he's never</p> <p>16 functioned in that, and that's kind of what I was</p> <p>17 told.</p> <p>18 Q. Would it be fair to say that you do not have any</p> <p>19 personal knowledge with regard to his background and</p> <p>20 qualifications?</p> <p>21 A. No.</p> <p>22 Q. It would not be fair to say that?</p> <p>23 A. Oh, yeah. No, I don't have any personal knowledge of</p> <p>24 Bob Ojala.</p> <p>25 Q. Okay. Thank you. That wasn't a great question. All</p>	<p style="text-align: right;">Page 76</p> <p>1 STC2004?</p> <p>2 A. I'm sorry, can you rephrase that again?</p> <p>3 Q. Yeah. Do you know whether you had any other dealings</p> <p>4 with anyone aside from the anyone having to do with</p> <p>5 Calumet River Fleeting other than with the STC2004?</p> <p>6 A. No, I don't think so.</p> <p>7 Q. Before the spring of 2019 had you ever meet Terry</p> <p>8 Hoeckendorff?</p> <p>9 A. No.</p> <p>10 Q. Were all of your dealings in terms of negotiations of</p> <p>11 the contract for sale for the barge or for the charter</p> <p>12 of the barge between you and Calumet River Fleeting</p> <p>13 were they all with Terry Hoeckendorff?</p> <p>14 A. My only contact with CRF was with Terry Hoeckendorff.</p> <p>15 Q. And how was it that you and Terry first communicated</p> <p>16 with one another regarding the STC2004?</p> <p>17 A. Sun Machinery informed me that they had a potential</p> <p>18 buyer, and he told me who this Terry from Sun, and he</p> <p>19 said the buyer wanted to come make an inspection and</p> <p>20 told me the name of the company, and I don't recall</p> <p>21 exact details, but I think Terry Hoeckendorff called</p> <p>22 me and we set up a date and time for him to come and</p> <p>23 do an inspection.</p> <p>24 Q. Was that communication between Sun and you in writing</p> <p>25 or was it spoken?</p>
<p style="text-align: right;">Page 75</p> <p>1 right. Let's -- as long as we are on surveyors, do</p> <p>2 you know who is Randal Wilke, W-I-L-K-E?</p> <p>3 A. No, I have never heard of him before.</p> <p>4 Q. And you are familiar with the entity called Calumet</p> <p>5 River Fleeting?</p> <p>6 A. Yes.</p> <p>7 Q. Aside from negotiations and signing documents</p> <p>8 regarding the possible purchase of the STC2004 and the</p> <p>9 charter of the barge in June of 2019, did you ever</p> <p>10 have any business dealings with Calumet or anyone</p> <p>11 employed by Calumet?</p> <p>12 A. Well, back in 1984, '85 I anchored a barge off of</p> <p>13 Sturgeon Bay, Wisconsin, and this is when John Seluck</p> <p>14 and the Seluck family owned, and they towed that barge</p> <p>15 to Muskegon and they stole my anchor and I never got</p> <p>16 it back.</p> <p>17 COURT REPORTER: I'm sorry, and they did</p> <p>18 what to the barge?</p> <p>19 THE WITNESS: They towed the barge to</p> <p>20 Muskegon for the owner and they essentially stold my</p> <p>21 anchor and wouldn't return it, and that's about the</p> <p>22 only direct dealing I have with Saluck.</p> <p>23 BY MR. CULLINAN:</p> <p>24 Q. All right. Anybody else from Calumet that you ever</p> <p>25 had any dealings with prior to the situation with the</p>	<p style="text-align: right;">Page 77</p> <p>1 A. I'm not sure. Either phone or e-mail.</p> <p>2 Q. What sort of deal did you have with Sun Machinery in</p> <p>3 terms of their acting as a broker? What was the --</p> <p>4 what were they to do and how were they to be</p> <p>5 compensated?</p> <p>6 A. Well, they -- there was a brokerage agreement and they</p> <p>7 got X number of dollars, which I think it was 10,000,</p> <p>8 you know, 5,000 initially, and then the sale</p> <p>9 commenced, then the other 5,000 when the barge is paid</p> <p>10 for.</p> <p>11 Q. And that would be paid regardless of whether they</p> <p>12 found the buyer or you did?</p> <p>13 A. Well, it was listed pretty much exclusively with them</p> <p>14 and I really was not doing anything else, so it was a</p> <p>15 moot point.</p> <p>16 Q. And you mentioned a brokerage agreement. Was that in</p> <p>17 writing?</p> <p>18 A. Yes.</p> <p>19 Q. I have not seen that. We asked for that kind of</p> <p>20 documentation. Do you have that available?</p> <p>21 A. Yes.</p> <p>22 Q. I'd ask that that be produced. Do you have any other</p> <p>23 documents, correspondence, anything like that with Sun</p> <p>24 Machinery regarding this barge?</p> <p>25 A. Well, we had to sue them, but no, that's -- no.</p>

Gregory Busch
August 24, 2021

<p style="text-align: right;">Page 78</p> <p>1 Q. You had to sue them for what?</p> <p>2 A. To get the deposit.</p> <p>3 Q. And what happened in regard to that?</p> <p>4 A. We got a default judgment.</p> <p>5 Q. None of the documents related to that lawsuit have</p> <p>6 been produced to us, and I'm sure that we've asked for</p> <p>7 everything related to Busch Machine and Sun Machinery.</p> <p>8 Do you have any explanation why you haven't produced</p> <p>9 any of that?</p> <p>10 A. I don't.</p> <p>11 MR. BLEVINS: Object to the (inaudible.)</p> <p>12 COURT REPORTER: I can't hear you, Mr.</p> <p>13 Blevins.</p> <p>14 MR. BLEVINS: I object to counsel's</p> <p>15 representation that (inaudible) --</p> <p>16 COURT REPORTER: I'm sorry, I can't hear</p> <p>17 you. Can you go closer to the microphone? I object</p> <p>18 to counsel's representation, that's all I heard.</p> <p>19 MR. BLEVINS: If there is a specific</p> <p>20 discovery request that you believe we have not</p> <p>21 responded to I'd be delighted to look into that and</p> <p>22 address that, but, you know, we can't take a</p> <p>23 representation -- this witness can't take your</p> <p>24 representation that something specifically was</p> <p>25 requested and was not produced.</p>	<p style="text-align: right;">Page 80</p> <p>1 But again, you reserve your right. You</p> <p>2 don't have to say that. I know you do. So let's move</p> <p>3 on.</p> <p>4 MR. CULLINAN: All right. But I'm just not</p> <p>5 sure that I have covered documents regarding Sun</p> <p>6 Machinery -- the relationship between he and Sun</p> <p>7 Machinery, any of that. I need to know whether he has</p> <p>8 looked for any of that documentation. That will save</p> <p>9 us a step, because if I later found out that was</p> <p>10 asked --</p> <p>11 MR. BLEVINS: Yeah, absolutely. Again, you</p> <p>12 have a right to ask those questions. I'm not asking</p> <p>13 you to stop this line of questioning. It was a</p> <p>14 specific comment by you that I was objecting to.</p> <p>15 Absolutely go forward with your deposition as you see</p> <p>16 fit.</p> <p>17 MR. CULLINAN: All right. Thank you.</p> <p>18 BY MR. CULLINAN:</p> <p>19 Q. Mr. Busch, have you looked for documents related to</p> <p>20 anything having to do with Sun Machinery to be</p> <p>21 produced in this case?</p> <p>22 A. Yes, I have.</p> <p>23 Q. Have you produced everything related to Sun Machinery</p> <p>24 and your relationship with that entity in regard to</p> <p>25 the sale of the STC2004?</p>
<p style="text-align: right;">Page 79</p> <p>1 MR. CULLINAN: All right. Well, I'm going</p> <p>2 to reserve the right to re-depose Mr. Busch if I need</p> <p>3 to if I obtain from you documents that should have</p> <p>4 been produced to me before if they were requested. Is</p> <p>5 that fair?</p> <p>6 MR. BLEVINS: Well, I think you -- by your</p> <p>7 nature as counsel, you're reserving your right until</p> <p>8 you've waived them, so I think this is a conversation</p> <p>9 between you and me, and, you know, this witness can't</p> <p>10 stipulate to anything like that. He's here to give</p> <p>11 you honest testimony to your questions of fact.</p> <p>12 MR. CULLINAN: Well, I certainly have a</p> <p>13 right to ask him where he has looked for</p> <p>14 documentation, whether he has looked for</p> <p>15 documentation. Just the fact that he didn't produce</p> <p>16 things if he wasn't told to by his counsel has great</p> <p>17 significance to me.</p> <p>18 MR. BLEVINS: Absolutely you have a right</p> <p>19 to, and I think you've been over that testimony with</p> <p>20 him to ask him whether he's looked for documents and</p> <p>21 whether, you know, he produced them to his counsel.</p> <p>22 You have that right. We -- I was referring to your</p> <p>23 earlier statement that a document was requested and</p> <p>24 was not produced. Those are two things that I think,</p> <p>25 you know, we -- you and I should work out.</p>	<p style="text-align: right;">Page 81</p> <p>1 A. All documents related to this and/or barge sale were</p> <p>2 given to my counsel.</p> <p>3 Q. Did you look for any and all documentation regarding</p> <p>4 any lawsuit that you or Busch Marine filed against Sun</p> <p>5 Machinery to apparently obtain the deposit for the</p> <p>6 barge?</p> <p>7 A. Yes.</p> <p>8 Q. You have looked for that? Did you find any of it?</p> <p>9 A. Well, Mr. Blevins, he has those documents.</p> <p>10 Q. When did you get the deposit from Sun Machinery?</p> <p>11 A. Just recently. I think it was, I don't know, March,</p> <p>12 April, somewhere around there this year.</p> <p>13 Q. Do you know if Calumet River Fleeting was made a party</p> <p>14 to whatever lawsuit you're referring to?</p> <p>15 A. I don't know.</p> <p>16 Q. Do you know if Calumet River Fleeting was ever given</p> <p>17 notice of that lawsuit --</p> <p>18 A. I don't know.</p> <p>19 Q. I'm sorry?</p> <p>20 A. I don't know.</p> <p>21 Q. Other than phone call with Terry Hoeckendorff setting</p> <p>22 up a meeting prior to meeting him face to face, did</p> <p>23 you have any other conversations with him?</p> <p>24 A. I think there was a phone call, but the phone call was</p> <p>25 basically just to set the meeting up.</p>

Gregory Busch
August 24, 2021

<p style="text-align: right;">Page 82</p> <p>1 Q. And then after that the next time you spoke with him</p> <p>2 would be in person?</p> <p>3 A. Yes.</p> <p>4 Q. Where did that take place?</p> <p>5 A. At my dock.</p> <p>6 Q. Where?</p> <p>7 A. Carrolton, Michigan.</p> <p>8 Q. Was anyone else present other than you and Terry?</p> <p>9 A. No.</p> <p>10 Q. When did that meeting take place?</p> <p>11 A. I don't know the date. It was, oh, probably April,</p> <p>12 sometime in April of 2019.</p> <p>13 Q. How long did the meeting last?</p> <p>14 A. We conversed for maybe 20, 30 minutes and then he went</p> <p>15 on the barge by himself and spent an hour and-a-half,</p> <p>16 maybe two hours doing his inspection.</p> <p>17 Q. And were you with him at any time while he was on the</p> <p>18 barge?</p> <p>19 A. No. I intentionally stayed on shore because I didn't</p> <p>20 want to interfere with his inspection.</p> <p>21 Q. What did you discuss during the 20 to 30 minutes?</p> <p>22 A. Oh, there were a number of topics. I guess mainly</p> <p>23 chitchatted about marine people we knew and nothing</p> <p>24 actually related to the barge sale.</p> <p>25 Q. There was no conversation whatsoever in the 20 to</p>	<p style="text-align: right;">Page 84</p> <p>1 Q. Did you make any representation to him that the barge</p> <p>2 was generally seaworthy?</p> <p>3 A. No.</p> <p>4 Q. Did you make any representations to him with regards</p> <p>5 to whether the barge had any leaks in it?</p> <p>6 A. No, because it didn't have one.</p> <p>7 Q. Where specifically was the barge? I know you</p> <p>8 mentioned the dock, but was it in the water?</p> <p>9 A. Oh, yes, of course.</p> <p>10 Q. With it being in the water it would not be possible</p> <p>11 for him to inspect the underside of the hull; would</p> <p>12 that be accurate?</p> <p>13 A. Yeah, that's true.</p> <p>14 Q. At the time that he was there -- well, strike that.</p> <p>15 Was there just the one in-person visit with</p> <p>16 him before Calumet took delivery of the barge?</p> <p>17 A. No, he came two times.</p> <p>18 Q. When was the second time in relation to the first</p> <p>19 time?</p> <p>20 A. It was about two or three weeks later.</p> <p>21 Q. Anybody else present other than you and he?</p> <p>22 A. No.</p> <p>23 Q. And was there conversation?</p> <p>24 A. Yes.</p> <p>25 Q. What was the conversation about and what else, if</p>
<p style="text-align: right;">Page 83</p> <p>1 30 minutes regarding the barge itself or the condition</p> <p>2 of the barge?</p> <p>3 A. Nothing on the condition. I don't know he asked me</p> <p>4 why I wanted to sell it and I told him I was looking</p> <p>5 for a different kind of vessel and we discussed that a</p> <p>6 little bit and that was about it. We weren't at the</p> <p>7 barge yet, so there was no reason to have a discussion</p> <p>8 about the barge itself.</p> <p>9 Q. Did he express to you in any way why he or Calumet</p> <p>10 River Fleeting were interested in the barge?</p> <p>11 A. Well, I assume they were interested in picking up the</p> <p>12 type of business I did with them, which is hauling</p> <p>13 cargo, and there was some discussion on that.</p> <p>14 Q. And was there any discussion in terms of whether the</p> <p>15 barge was capable of serving that purpose?</p> <p>16 A. No.</p> <p>17 Q. Did you make any representation to him whatsoever as</p> <p>18 to whether the barge was capable of doing anything</p> <p>19 that he suggested he might use it for?</p> <p>20 A. No. He just -- I just made the assumption that he was</p> <p>21 going to haul cargo with it.</p> <p>22 Q. And with regard to that did you make any</p> <p>23 representation whatsoever of the capabilities of the</p> <p>24 barge to do that?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 85</p> <p>1 anything, transpired?</p> <p>2 A. Well, he told me that he thought the barge was in good</p> <p>3 condition, and he said the reason for his second visit</p> <p>4 was to make a list of any needed repairs, and he said</p> <p>5 he had made arrangements with Chicago dry dock, dry</p> <p>6 dock the barge and make the repairs. He was trying to</p> <p>7 get a handle on what it would cost to make the</p> <p>8 repairs, and there was some decking at the starboard</p> <p>9 one, and there was a little bit of a negotiation that</p> <p>10 went on, and I agreed to give him two or three steel</p> <p>11 sheets with framing on it to repair the deck with and</p> <p>12 he agreed to that.</p> <p>13 Q. Did he do any walk-through of the barge at that second</p> <p>14 visit?</p> <p>15 A. Yes, he did. He spent -- he had a yellow note pad</p> <p>16 with him and he walked through the barge, and again, I</p> <p>17 stayed on shore. He made notes and he was probably on</p> <p>18 there for maybe an hour, hour and-a-half.</p> <p>19 Q. And then your understanding was that second visit was</p> <p>20 the one he's walking around to see what repairs were</p> <p>21 made -- or needed to be made?</p> <p>22 A. Yeah, I mean, that's my opinion or assumption. I</p> <p>23 don't know what he was thinking or what his purpose</p> <p>24 was.</p> <p>25 Q. At the time of -- I'm going to say with both of those</p>

Gregory Busch
August 24, 2021

<p style="text-align: right;">Page 86</p> <p>1 visits, was there water in the tanks of any of the</p> <p>2 tanks on the barge?</p> <p>3 A. No. Most the tanks were dry. There may have been a</p> <p>4 little bit of water in the corners or something.</p> <p>5 Q. Did you agree -- oh, I'm sorry. In either of those</p> <p>6 visits when Terry was there did you have any</p> <p>7 conversation with him about the nature of any water in</p> <p>8 any of the tanks, how it came to be there, why it was</p> <p>9 there?</p> <p>10 A. No, that's -- you know, trace water in barges is</p> <p>11 expected. He didn't mention it, I didn't mention it.</p> <p>12 Q. And specifically did you say anything to him that the</p> <p>13 presence of water in any of those tanks were there not</p> <p>14 as a result of the problem with the hull but instead</p> <p>15 was due to problems with the deck?</p> <p>16 A. I may have, because the deck cracks are not unusual in</p> <p>17 a deck cargo barge.</p> <p>18 COURT REPORTER: I'm sorry, say that again.</p> <p>19 I may have because?</p> <p>20 THE WITNESS: Deck cracks were common in</p> <p>21 deck cargo barges.</p> <p>22 BY MR. CULLINAN:</p> <p>23 Q. Did the deck of the barge have cracks?</p> <p>24 A. I don't know of any specific, because we walked</p> <p>25 through it 2018 and made repairs on anything we could</p>	<p style="text-align: right;">Page 88</p> <p>1 documentation in person such as the audio gauge</p> <p>2 readings?</p> <p>3 A. No. None of those in person. It was all scanned and</p> <p>4 e-mailed.</p> <p>5 Q. And he asked for all this or you offered it to him?</p> <p>6 A. What's that?</p> <p>7 Q. Did he ask for that documentation or did you offer it</p> <p>8 to him without --</p> <p>9 A. He -- he asked for it I think.</p> <p>10 Q. You say you think. Are you not certain of that?</p> <p>11 A. Well, I'm like 99 percent certain that he asked for</p> <p>12 it.</p> <p>13 Q. And the latest audio gauge readings were the 2013</p> <p>14 readings that you took?</p> <p>15 A. Yes.</p> <p>16 Q. And I take it you only sent him what you had -- what</p> <p>17 we looked at earlier in terms of the ones you had sent</p> <p>18 to ABS, correct?</p> <p>19 A. Well, yeah, a copy of it.</p> <p>20 Q. Well, what we looked at would have been the complete</p> <p>21 copy, right?</p> <p>22 A. I'm sure that it is. I'd like after we're done here</p> <p>23 to review that document, see if there's any pages</p> <p>24 missing.</p> <p>25 Q. You mentioned earlier that there were audio gauge</p>
<p style="text-align: right;">Page 87</p> <p>1 find. I mean, there's a possibility there might have</p> <p>2 been some, yes.</p> <p>3 Q. Was the entirety of the barge in the water at that</p> <p>4 time or was any of it up on the shore of the bank?</p> <p>5 A. No, it was floating.</p> <p>6 Q. When was the next time you talked to Terry after</p> <p>7 that -- well, strike that.</p> <p>8 In between those two visits did you and</p> <p>9 Terry talk at all other than setting up a second</p> <p>10 visit?</p> <p>11 A. Yeah. He -- if I recall he called and asked for</p> <p>12 certain things. He wanted a copy of the load line.</p> <p>13 I'm not sure if this was between the visit and the</p> <p>14 second. Copy of the load line. He wanted the</p> <p>15 stability calculations and the stability letter copy.</p> <p>16 He wanted the latest audio gauges, and I think that</p> <p>17 was it. I sent all that to him.</p> <p>18 Q. You sent that via mail or e-mail, or how did you send</p> <p>19 it?</p> <p>20 A. I scanned it and e-mailed it.</p> <p>21 Q. Do you have any copies of any of the correspondence</p> <p>22 that went with that?</p> <p>23 A. Yeah, I had the e-mails.</p> <p>24 Q. I've not seen any of those. I'd ask that those be</p> <p>25 produced. Is it possible that you gave him any</p>	<p style="text-align: right;">Page 89</p> <p>1 readings taken in 2013 that did not get recorded in</p> <p>2 that document. Did you tell him about any of those</p> <p>3 gauge readings and what information were garnered</p> <p>4 through them?</p> <p>5 A. No, because they didn't seem irrelevant.</p> <p>6 Q. This is April of 2019, correct?</p> <p>7 A. What was your --</p> <p>8 Q. Approximately?</p> <p>9 A. What was the question there?</p> <p>10 Q. It was about April of 2019 when you're meeting with</p> <p>11 Terry, give or take a couple weeks?</p> <p>12 A. Yeah, I think so. Yeah, it was about that time frame.</p> <p>13 Q. Was the barge coming up for a renewal five-year</p> <p>14 survey?</p> <p>15 A. Yes.</p> <p>16 Q. You had already obtained a one-year extension back in</p> <p>17 2018?</p> <p>18 A. Right.</p> <p>19 Q. Why did you seek that extension?</p> <p>20 A. Why?</p> <p>21 Q. Right. In 2018.</p> <p>22 A. Well, as I said before, historically I've always</p> <p>23 gotten the one-year extensions.</p> <p>24 Q. Okay. And do you recall specifically the -- any</p> <p>25 survey that was done by the ABS during the -- for the</p>

Gregory Busch
August 24, 2021

<p style="text-align: right;">Page 90</p> <p>1 2018 extension?</p> <p>2 A. Yes. She came and did the extension survey.</p> <p>3 Q. This was Jessica Ward again?</p> <p>4 A. Yes.</p> <p>5 Q. Do you recall specifically what she did during that</p> <p>6 inspection?</p> <p>7 A. Yeah. I was kind of surprised it was a little more</p> <p>8 extensive than I had experienced in the past. She</p> <p>9 went on the forward rake, she went in the aft peak</p> <p>10 tanks, she went on the aft peak, and she went in I</p> <p>11 think three of the midbody compartments.</p> <p>12 Q. Was there water in the tanks at that time?</p> <p>13 A. There was a trace amount.</p> <p>14 Q. I take it no gauge readings were done?</p> <p>15 A. No, you don't do gauges for those kind of surveys.</p> <p>16 Q. The barge was in the water at that time?</p> <p>17 A. Yes.</p> <p>18 Q. I would like to show you a document. Give me one</p> <p>19 second. All right. Do you see that document in front</p> <p>20 of you, a pleading?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. This has been produced to you -- to us, I'm</p> <p>23 sorry, on behalf of you, and it's entitled Plaintiff's</p> <p>24 responses to Calumet River Fleeting's request for</p> <p>25 admission, correct?</p>	<p style="text-align: right;">Page 92</p> <p>1 A. I'm sorry, what was that?</p> <p>2 Q. To the extent of that question this is a false</p> <p>3 pleading, correct?</p> <p>4 MR. BLEVINS: Objection, asked and</p> <p>5 answered.</p> <p>6 BY MR. CULLINAN:</p> <p>7 Q. Go ahead.</p> <p>8 MR. BLEVINS: Are you asking him whether</p> <p>9 that -- asked and answered with respect to that</p> <p>10 question.</p> <p>11 MR. CULLINAN: I didn't ask that question</p> <p>12 before.</p> <p>13 BY MR. CULLINAN:</p> <p>14 Q. Is this a false pleading given that it's got a wrong</p> <p>15 answer?</p> <p>16 MR. BLEVINS: Objection to any legal</p> <p>17 confusions, definition of pleadings.</p> <p>18 BY MR. CULLINAN:</p> <p>19 Q. Go ahead, you can answer.</p> <p>20 MR. BLEVINS: If you can.</p> <p>21 A. I didn't view it as a mistake.</p> <p>22 BY MR. CULLINAN:</p> <p>23 Q. At any point in time did -- was a contract for the</p> <p>24 sale of the barge prepared?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 91</p> <p>1 A. Yes.</p> <p>2 Q. Have you seen this document before? And it's a</p> <p>3 document where we asked you to admit or deny certain</p> <p>4 statements.</p> <p>5 A. I reviewed a draft of it.</p> <p>6 Q. Did you have any input into its creation before it was</p> <p>7 prepared?</p> <p>8 A. Yes, I probably did.</p> <p>9 Q. Well, you say you probably did. Do you recall</p> <p>10 specifically having any input into it?</p> <p>11 A. I don't recall this one specifically, no.</p> <p>12 Q. In request at number 23 you're asked to admit or deny</p> <p>13 that during negotiations between Calumet and Gregory</p> <p>14 J. Busch for the sale of the barge Busch provided</p> <p>15 Calumet with information pertaining to the thickness</p> <p>16 of the hull of the barge in the form of hull thickness</p> <p>17 gauge readings that had been taken in 2013, and in the</p> <p>18 answer it says denied. Did I read that accurately?</p> <p>19 A. Yes.</p> <p>20 Q. Is that answer wrong?</p> <p>21 A. Yes, apparently.</p> <p>22 Q. Did you review this document after it was prepared?</p> <p>23 A. No.</p> <p>24 Q. So at least to that extent it's a false pleading,</p> <p>25 correct?</p>	<p style="text-align: right;">Page 93</p> <p>1 Q. I'm showing you a document that has got three pages,</p> <p>2 Bate stamped CRF 1, 2 and 3, third page?</p> <p>3 A. Yeah, just seeing bits and pieces here.</p> <p>4 Q. Okay. I just want --</p> <p>5 A. Yes, that's the one.</p> <p>6 Q. Is that the contract for sale -- contract of sale that</p> <p>7 was prepared with regard to the barge and signed by</p> <p>8 Terry Hoeckendorff on behalf of Calumet River Fleeting</p> <p>9 and signed by you?</p> <p>10 A. Well, all I see is the very beginning of it, but it</p> <p>11 looks like the contract, yes.</p> <p>12 MR. BLEVINS: Did you reduce the size of</p> <p>13 that?</p> <p>14 MR. CULLINAN: Yes, I'm sorry, I should</p> <p>15 have thought of that before. Start at 100.</p> <p>16 BY MR. CULLINAN:</p> <p>17 Q. All right. That's the second page?</p> <p>18 A. The last page. The last page, yep.</p> <p>19 Q. And the last page has -- says addendum, closing date</p> <p>20 extension addendum was something that was added to the</p> <p>21 two-page contract of sale after it was originally</p> <p>22 prepared and signed?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. This is the contract of sale that was signed by</p> <p>25 you and Terry, correct?</p>

Gregory Busch
August 24, 2021

<p style="text-align: right;">Page 94</p> <p>1 A. Yes.</p> <p>2 Q. And within it it indicates that, as we discussed, that</p> <p>3 Sun Machinery is the broker?</p> <p>4 A. I'm sorry, I couldn't hear the last part of the</p> <p>5 question.</p> <p>6 Q. As we discussed earlier it indicates that at the</p> <p>7 bottom of page 2 that Sun Machinery Corp. is the</p> <p>8 broker?</p> <p>9 A. Yes.</p> <p>10 Q. And that's signed by Anthony J. I-O-R-I-O?</p> <p>11 A. Iorio, yes.</p> <p>12 Q. And it looks like signed by all three parties on</p> <p>13 April 24, 2019?</p> <p>14 A. Yes.</p> <p>15 Q. This contract of sale had certain terms and conditions</p> <p>16 that had to be met before the sale would go through,</p> <p>17 correct?</p> <p>18 A. Yes.</p> <p>19 MR. BLEVINS: Objection, to any legal</p> <p>20 conclusion.</p> <p>21 BY MR. CULLINAN:</p> <p>22 Q. All right. And it says in the very first paragraph on</p> <p>23 the terms and conditions set forth below, right?</p> <p>24 MR. BLEVINS: Objection, document speaks</p> <p>25 for itself.</p>	<p style="text-align: right;">Page 96</p> <p>1 question.</p> <p>2 A. Yeah, I don't know how to answer it.</p> <p>3 BY MR. CULLINAN:</p> <p>4 Q. Who prepared this document?</p> <p>5 A. Sun Machinery.</p> <p>6 Q. Did you review it before you signed it?</p> <p>7 A. Yes.</p> <p>8 Q. Did you talk to anybody about it before you signed it?</p> <p>9 A. No.</p> <p>10 Q. Did you -- and I'm just asking for your own</p> <p>11 understanding. Did you have any understanding that</p> <p>12 there were terms and conditions that had to be met</p> <p>13 before this contract would be valid?</p> <p>14 MR. BLEVINS: Objection, asked and</p> <p>15 answered. Objection to any legal conclusions.</p> <p>16 BY MR. CULLINAN:</p> <p>17 Q. Go ahead. I'm asking about his understanding. Go</p> <p>18 ahead.</p> <p>19 MR. BLEVINS: Same objection.</p> <p>20 THE WITNESS: Yeah, I'm not sure how to</p> <p>21 answer that. I guess my experience with contracts can</p> <p>22 be fluid.</p> <p>23 BY MR. CULLINAN:</p> <p>24 Q. I'm sorry, they can be what?</p> <p>25 A. Fluid.</p>
<p style="text-align: right;">Page 95</p> <p>1 COURT REPORTER: I can't hear you, Mr.</p> <p>2 Blevins.</p> <p>3 BY MR. CULLINAN:</p> <p>4 Q. Go ahead, you can answer the question.</p> <p>5 MR. BLEVINS: You can answer it, if you</p> <p>6 can.</p> <p>7 A. Can you repeat the question, please?</p> <p>8 BY MR. CULLINAN:</p> <p>9 Q. This document had certain terms and conditions that</p> <p>10 had to be met in order for the contract to go through;</p> <p>11 is that correct?</p> <p>12 MR. BLEVINS: Objection, it's a legal</p> <p>13 conclusion.</p> <p>14 BY MR. CULLINAN:</p> <p>15 Q. Go ahead, you can answer.</p> <p>16 MR. BLEVINS: If you can.</p> <p>17 A. Yes, there are terms in this contract.</p> <p>18 BY MR. CULLINAN:</p> <p>19 Q. And those terms and conditions had to be met in order</p> <p>20 for the contract to go through, correct?</p> <p>21 MR. BLEVINS: Objection, vague. Objection</p> <p>22 to any legal conclusion.</p> <p>23 BY MR. CULLINAN:</p> <p>24 Q. Go ahead.</p> <p>25 MR. BLEVINS: If you can answer that</p>	<p style="text-align: right;">Page 97</p> <p>1 Q. What does that mean?</p> <p>2 A. The parties changed from time to time.</p> <p>3 Q. This one wasn't changed, was it?</p> <p>4 A. No.</p> <p>5 Q. In the second paragraph it says a closing shall occur</p> <p>6 on an agreed date on or about May 18, 2019 unless</p> <p>7 extended by the written agreement of the parties</p> <p>8 hereto. Do you see that? Right here in paragraph 2,</p> <p>9 second line.</p> <p>10 A. Yeah, that's what it says.</p> <p>11 Q. All right. And was it your understanding that a</p> <p>12 closing had to occur on or about May 18, 2019 unless</p> <p>13 the written agreement was extended -- unless the date</p> <p>14 was extended in order for Calumet to be obligated</p> <p>15 under this contract?</p> <p>16 MR. BLEVINS: Objection, documents speaks</p> <p>17 for itself and objection to any legal conclusion.</p> <p>18 MR. CULLINAN: I'm just asking for his</p> <p>19 understanding.</p> <p>20 BY MR. CULLINAN:</p> <p>21 Q. Go ahead.</p> <p>22 A. Well, my exception was Terry Hoeckendorff and</p> <p>23 (inaudible) that he wanted the barge (inaudible).</p> <p>24 COURT REPORTER: I'm sorry, sir, can you</p> <p>25 repeat that? I'm not hearing you very well at all</p>

Gregory Busch
August 24, 2021

<p style="text-align: right;">Page 98</p> <p>1 there.</p> <p>2 THE WITNESS: Yes. I got a bad setup here.</p> <p>3 What part? Where do I need to start over?</p> <p>4 COURT REPORTER: You had an appointment</p> <p>5 with Terry.</p> <p>6 THE WITNESS: Yeah. My conversation with</p> <p>7 Terry Hoeckendorff was that he wanted the barge and he</p> <p>8 made a comment in his own words that the barge would</p> <p>9 never come back to me, and he said that it was spurred</p> <p>10 on two different occasions.</p> <p>11 BY MR. CULLINAN:</p> <p>12 Q. And I appreciate that, but my question is was it your</p> <p>13 understanding that the sale of this barge had to close</p> <p>14 by May 18, 2019 for Calumet to be obligated under it</p> <p>15 unless that date was extended?</p> <p>16 A. No, my understanding was that that date could be moved</p> <p>17 back on Terry's comments if we needed to.</p> <p>18 Q. And the date was moved back, correct?</p> <p>19 A. Yes, it was.</p> <p>20 Q. And that's what that closing date extension, this page</p> <p>21 3, is?</p> <p>22 A. Yes.</p> <p>23 Q. And that date was extended to June 7, 2019, correct?</p> <p>24 A. Yes.</p> <p>25 Q. Was it then your understanding that for Calumet to be</p>	<p style="text-align: right;">Page 100</p> <p>1 understanding. It had been extended. The recent</p> <p>2 extension was the Coast Guard was being very, very</p> <p>3 slow in processing their paperwork.</p> <p>4 BY MR. CULLINAN:</p> <p>5 Q. Okay.</p> <p>6 A. What Terry had told me I assumed that, you know, his</p> <p>7 understanding, my understanding was that if we needed</p> <p>8 to do another extension then we would.</p> <p>9 Q. Is it your position there is some language in this</p> <p>10 written contract for sale that is meaningless?</p> <p>11 MR. BLEVINS: Objection to</p> <p>12 misrepresentation of the document.</p> <p>13 MR. CULLINAN: I'm asking him.</p> <p>14 BY MR. CULLINAN:</p> <p>15 Q. Go ahead.</p> <p>16 MR. BLEVINS: Objection to legal</p> <p>17 conclusion.</p> <p>18 BY MR. CULLINAN:</p> <p>19 Q. Is that your position?</p> <p>20 A. I'm not sure. I don't know how to respond to that.</p> <p>21 Q. There are the original document and the closing date</p> <p>22 extension --</p> <p>23 A. Yes.</p> <p>24 Q. -- with closing dates in them.</p> <p>25 Are you telling us that it's your</p>
<p style="text-align: right;">Page 99</p> <p>1 obligated under this contract the sale had to close</p> <p>2 and everybody had to do whatever they were required to</p> <p>3 do by June 7, 2019?</p> <p>4 MR. BLEVINS: Objection to legal</p> <p>5 conclusion. Objection, the document speaks for</p> <p>6 itself. It's a misrepresentation of the document.</p> <p>7 BY MR. CULLINAN:</p> <p>8 Q. Go ahead.</p> <p>9 A. Well, I don't understand the question then.</p> <p>10 MR. CULLINAN: Could you repeat the</p> <p>11 question?</p> <p>12 A. Yeah, what's the question?</p> <p>13 BY MR. CULLINAN:</p> <p>14 Q. No, I'm asking the court reporter to read back the</p> <p>15 question.</p> <p>16 A. Oh.</p> <p>17 (The following requested portion of the</p> <p>18 record was read by the reporter at</p> <p>19 3:38 p.m.:</p> <p>20 Q. Was it then your understanding that</p> <p>21 Calumet be obligated under this contract</p> <p>22 that the sale had to close and everybody</p> <p>23 had to do whatever they were required to do</p> <p>24 by June 7, 2019?)</p> <p>25 THE WITNESS: No, that was not my</p>	<p style="text-align: right;">Page 101</p> <p>1 understanding that those words were meaningless in</p> <p>2 this contract?</p> <p>3 A. No. My understanding was that was a target date and</p> <p>4 if we needed to do another extension then we would.</p> <p>5 Q. That doesn't say that anywhere though, does it?</p> <p>6 A. Not in those words, no.</p> <p>7 Q. In paragraph 4 it says seller warrants title to the</p> <p>8 vessel, which will be delivered to buyer free of all</p> <p>9 liens and encumbrances together with a properly</p> <p>10 executed United States Coast Guard form bill of sale,</p> <p>11 correct?</p> <p>12 A. That's what it says.</p> <p>13 Q. You would agree with me that at some point in time</p> <p>14 there was a mortgage on that vessel, on the vessel</p> <p>15 STC2004, that constituted a lien or encumbrance on it,</p> <p>16 correct?</p> <p>17 A. That's correct.</p> <p>18 Q. And as we saw before, at least by way of that Coast</p> <p>19 Guard letter that I showed you dated June 24, 2019,</p> <p>20 that mortgage was still registered against the barge,</p> <p>21 correct?</p> <p>22 MR. BLEVINS: Objection, misrepresents the</p> <p>23 document.</p> <p>24 BY MR. CULLINAN:</p> <p>25 Q. And I'll be glad to pull the document back up if you</p>

Gregory Busch
August 24, 2021

<p style="text-align: right;">Page 102</p> <p>1 want.</p> <p>2 MR. BLEVINS: Well, it's your deposition.</p> <p>3 My objection stands.</p> <p>4 BY MR. CULLINAN:</p> <p>5 Q. Okay. Go ahead.</p> <p>6 A. Well, my understanding in the document that I saw was</p> <p>7 stamped June 4th, mortgage was of that date.</p> <p>8 Q. Setting aside when it was stamped and before even the</p> <p>9 satisfaction was obtained, you understood that that</p> <p>10 mortgage constituted a lien against the vessel,</p> <p>11 correct?</p> <p>12 A. Well, yes.</p> <p>13 MR. BLEVINS: Objection to legal</p> <p>14 conclusion.</p> <p>15 BY MR. CULLINAN:</p> <p>16 Q. Correct?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. So if it was not -- if the satisfaction was not</p> <p>19 recorded, that would -- or registered with the Coast</p> <p>20 Guard by June 7, 2009 (sic), it would still show up on</p> <p>21 the title to the vessel? Is that your understanding?</p> <p>22 MR. BLEVINS: Objection, to any legal</p> <p>23 conclusion and an opinion outside of (inaudible).</p> <p>24 BY MR. CULLINAN:</p> <p>25 Q. Go ahead.</p>	<p style="text-align: right;">Page 104</p> <p>1 A. Yes.</p> <p>2 Q. And you have not to your knowledge in this case</p> <p>3 produced any document that shows it was registered</p> <p>4 with the Coast Guard releasing or satisfying that</p> <p>5 mortgage prior to June 7, 2019, correct?</p> <p>6 A. No.</p> <p>7 Q. It's not correct? What document have you produced</p> <p>8 that shows it was registered before that date contrary</p> <p>9 to that June 24th letter from the Coast Guard?</p> <p>10 A. I don't know what documents were produced.</p> <p>11 Q. What is the -- with regard to the United States Coast</p> <p>12 Guard form bill of sale, does that have to go through</p> <p>13 the Coast Guard as well?</p> <p>14 A. Yes.</p> <p>15 MR. BLEVINS: Object to legal conclusion.</p> <p>16 BY MR. CULLINAN:</p> <p>17 Q. And what does the Coast Guard have to do with it based</p> <p>18 on your understanding?</p> <p>19 MR. BLEVINS: Objection to legal conclusion</p> <p>20 and to opinion testimony beyond this witness' area of</p> <p>21 expertise.</p> <p>22 BY MR. CULLINAN:</p> <p>23 Q. Go ahead.</p> <p>24 A. Well, a bill of sale is the transfer of the vessel</p> <p>25 from one owner to another.</p>
<p style="text-align: right;">Page 103</p> <p>1 A. Do you want me to answer that?</p> <p>2 MR. BLEVINS: Subject to my objection you</p> <p>3 can answer.</p> <p>4 THE WITNESS: Yeah, rephrase the question</p> <p>5 there, please?</p> <p>6 BY MR. CULLINAN:</p> <p>7 Q. You knew that a satisfaction had to be registered with</p> <p>8 the Coast Guard in order to remove that mortgage from</p> <p>9 the title; was that your understanding?</p> <p>10 A. That's true.</p> <p>11 MR. BLEVINS: Objection.</p> <p>12 MR. CULLINAN: Did you get his answer?</p> <p>13 COURT REPORTER: I think he said that's</p> <p>14 true.</p> <p>15 BY MR. CULLINAN:</p> <p>16 Q. And if that was not registered with the Coast Guard</p> <p>17 prior to June 7th or through June 7, 2019, the</p> <p>18 mortgage would continue to be a lien against the</p> <p>19 vessel; is that your understanding?</p> <p>20 MR. BLEVINS: Same objection.</p> <p>21 A. Yes.</p> <p>22 BY MR. CULLINAN:</p> <p>23 Q. I'm sorry, did you answer?</p> <p>24 A. Yes.</p> <p>25 Q. And your answer is yes?</p>	<p style="text-align: right;">Page 105</p> <p>1 Q. And did the Coast Guard play some role in the issuance</p> <p>2 of the bill of sale?</p> <p>3 MR. BLEVINS: Same objection.</p> <p>4 BY MR. CULLINAN:</p> <p>5 Q. To your knowledge?</p> <p>6 A. Yes.</p> <p>7 Q. What role did they play, to your knowledge?</p> <p>8 A. They're the agency that records the document.</p> <p>9 Q. To your knowledge had any bill of sale been reported</p> <p>10 for a transfer of the ownership of this vessel from</p> <p>11 you to Calumet River Fleeting by the end of June 7,</p> <p>12 2019?</p> <p>13 A. Yes, it had.</p> <p>14 Q. Do you have any document that shows it was stamped or</p> <p>15 recorded by the Coast Guard prior to that date?</p> <p>16 A. Yes, we do.</p> <p>17 Q. Has it been produced? I haven't received it. Sorry,</p> <p>18 did you answer that?</p> <p>19 A. Oh, I don't know. I don't know what documents have</p> <p>20 gone between you and Mr. Blevins.</p> <p>21 Q. So you produced everything you had, right?</p> <p>22 A. He has all the documents that were in my possession.</p> <p>23 Q. Did you even look at one document that you gave to</p> <p>24 your counsel before it was produced?</p> <p>25 A. There were boxes of them.</p>

Gregory Busch
August 24, 2021

<p style="text-align: right;">Page 106</p> <p>1 Q. But did you look at any of them?</p> <p>2 A. Yes.</p> <p>3 Q. Did you see a bill of sale that had any indication</p> <p>4 that it had gone through the Coast Guard or stamped by</p> <p>5 the Coast Guard or registered by the Coast Guard?</p> <p>6 A. I remember signing a bill of sale.</p> <p>7 Q. I'm sorry?</p> <p>8 A. I remember signing a bill of sale. I don't know that</p> <p>9 they sent a copy back.</p> <p>10 Q. Okay. But just your signing it isn't the same thing</p> <p>11 as it being accepted and stamped and registered by the</p> <p>12 Coast Guard, is it?</p> <p>13 A. I don't know.</p> <p>14 Q. Would you agree with me that it's your understanding</p> <p>15 that if you didn't provide clean title to the barge</p> <p>16 and a registered bill of sale with the Coast Guard by</p> <p>17 the close of business on June 7, 2019, Calumet --</p> <p>18 Calumet was not obligated under this contract of sale?</p> <p>19 MR. BLEVINS: Objection to a legal</p> <p>20 conclusion. It's a misrepresentation of the document</p> <p>21 and --</p> <p>22 BY MR. CULLINAN:</p> <p>23 Q. Go ahead. It doesn't misrepresent anything. Go</p> <p>24 ahead. Go ahead, you can answer.</p> <p>25 A. Well, as I stated previously, my understanding with</p>	<p style="text-align: right;">Page 108</p> <p>1 A. All I received was the completed bill of sale and the</p> <p>2 completed contract of sale. I don't know if there</p> <p>3 were other documents.</p> <p>4 Q. Do you have any information that Sun Machinery ever</p> <p>5 sent to Calumet any form of a release of that mortgage</p> <p>6 at any time?</p> <p>7 A. No, I don't have knowledge of that.</p> <p>8 COURT REPORTER: Could we take a</p> <p>9 five-minute break when it becomes convenient?</p> <p>10 MR. CULLINAN: Yeah, we can take right now,</p> <p>11 if you'd like to take ten minutes.</p> <p>12 (Recess taken at 3:50 p.m.)</p> <p>13 (Back on the record at 4:03 p.m.)</p> <p>14 BY MR. CULLINAN:</p> <p>15 Q. Mr. Busch, after June 15th of 2019 have you ever</p> <p>16 spoken with Tony at Sun Machinery?</p> <p>17 A. Yes.</p> <p>18 Q. On how many occasions?</p> <p>19 A. I don't know.</p> <p>20 Q. More than one?</p> <p>21 A. Yes.</p> <p>22 Q. Was it always having to do with Sun Machinery working</p> <p>23 as the broker for you in the sale of the barge?</p> <p>24 A. No.</p> <p>25 Q. Just generally what does it have to do with?</p>
<p style="text-align: right;">Page 107</p> <p>1 Terry Hoeckendorff was that if an extension was</p> <p>2 necessary we would do that.</p> <p>3 Q. Did Sun Machinery ever deliver any document to Calumet</p> <p>4 to your knowledge?</p> <p>5 A. I don't know.</p> <p>6 Q. Far as you knew were all of your negotiations with</p> <p>7 Terry Hoeckendorff and Calumet just between you two?</p> <p>8 MR. BLEVINS: Objection to the form.</p> <p>9 THE WITNESS: Am I supposed to answer?</p> <p>10 MR. BLEVINS: Yeah, if you understand his</p> <p>11 question.</p> <p>12 THE WITNESS: Yeah, my understanding was</p> <p>13 that transaction people work the deals went between</p> <p>14 Sun Machinery and CRF, and they were not between me</p> <p>15 and CRF directly.</p> <p>16 BY MR. CULLINAN:</p> <p>17 Q. I'm sorry, the fund transfers?</p> <p>18 A. No, no. The paperwork -- any paperwork dealing with</p> <p>19 the sale went from Sun Machinery to CRF and back.</p> <p>20 They sent me a copy to sign and that was the extent of</p> <p>21 my involvement, and I did not draft paperwork or send</p> <p>22 anything directly to CRF.</p> <p>23 Q. Have you ever received any copies of paperwork that</p> <p>24 Sun Machinery sent to Terry Hoeckendorff for signature</p> <p>25 after he sent them back?</p>	<p style="text-align: right;">Page 109</p> <p>1 A. I've lost three portable dredges through Sun</p> <p>2 Machinery.</p> <p>3 Q. After June 15, 2019 did you ever have any discussions</p> <p>4 with Tony at Sun or anyone else at Sun in regard to</p> <p>5 anything having to do with the STC2004?</p> <p>6 A. Yes.</p> <p>7 Q. How many of those discussions did you have?</p> <p>8 A. I don't know.</p> <p>9 Q. Do you know when those discussions took place?</p> <p>10 A. They were scattered through probably June and July.</p> <p>11 Q. Do you know what the nature of the conversations were?</p> <p>12 A. Well, it was concerning the barge sale.</p> <p>13 Q. Okay. Anything in more detail that you can recall of</p> <p>14 that?</p> <p>15 A. I don't recall, no.</p> <p>16 Q. Did you ever direct Sun Machinery to not return the</p> <p>17 deposit money to Calumet?</p> <p>18 A. No.</p> <p>19 Q. Did you ever discuss with Sun Machinery the deposit</p> <p>20 money?</p> <p>21 A. Yes.</p> <p>22 Q. When was the first time you discussed that with Sun</p> <p>23 Machinery after June 15th?</p> <p>24 A. I don't know.</p> <p>25 Q. Did you ever demand that Sun Machinery return it to</p>

Gregory Busch
August 24, 2021

Page 110

1 you?

2 A. Yes.

3 Q. When was the first time you demanded Sun Machinery

4 give you Calumet's deposit?

5 A. I don't know.

6 Q. And did Sun Machinery ever respond to those demands

7 before a lawsuit was filed by you?

8 A. Yes.

9 Q. What was their response?

10 A. Well, it's actually they were afraid of CRF, and I

11 didn't understand his position, but Tony insisted on

12 holding the money.

13 Q. Okay. And did he communicate to you that he wanted

14 some sort of an agreement between Calumet and you

15 before he turned it over to anybody?

16 A. Yes, he did.

17 Q. And short of without ever having any sort of an

18 agreement between you two as to where the funds went,

19 he held onto it until you sued him?

20 A. Yes.

21 Q. And as far as you know he never appeared in that case

22 and a default was taken against Sun?

23 A. Yes.

24 Q. Recovering the \$50,000, and that was the amount of the

25 deposit, right?

Page 111

1 A. Yes.

2 Q. Since receiving that from Sun have you had any

3 communications with Tony or anyone from Sun Machinery?

4 A. Since -- what time frame?

5 Q. Since you received those funds.

6 A. No.

7 Q. Have you and Tony ever discussed the lawsuit that you

8 filed against Sun Machinery?

9 A. No. Once it was filed I left it up to Mr. Blevins.

10 Q. Did you ever indicate before the lawsuit was filed to

11 Tony that you were going to sue him?

12 A. I don't know.

13 Q. Now, at some point, and I'll give you the date, May

14 31, 2019 you entered into a bareboat charter for the

15 barge with Calumet?

16 A. Yes.

17 Q. And in doing so you recognize that there was the

18 potential that the sale of the barge was not going to

19 go through; would that be correct?

20 A. No.

21 Q. You signed a contract, a written bareboat charter,

22 correct?

23 A. Yes.

24 Q. Agreement? Do you have that document in front of you

25 or no?

Page 112

1 A. Yes.

2 Q. All right. The bareboat charter?

3 A. Yes.

4 MR. BLEVINS: Can you reduce the size of it

5 again, please?

6 MR. CULLINAN: Yeah. Sure.

7 BY MR. CULLINAN:

8 Q. All right. I put up here a -- I think it's a -- well,

9 the Bates document CRF4, and I'm just getting the last

10 page here, through CRF14, and we'll start on -- go

11 back here on page 14. Does that bear your signature?

12 A. Yes.

13 Q. And I'll try and scroll somewhat slowly, and I'm not

14 expecting you to read this as I go backwards through

15 it. At least based on the first page and generally,

16 does that look like the bareboat charter agreement

17 that you and Terry signed?

18 A. Yes.

19 Q. Right here on the first page paragraph 1(c) says

20 charter hire -- the barge charter hire will be \$25,000

21 only in the event the sale of the barge is not

22 completed. If there is no sale the charter will

23 return the barge to Busch Marine dock in Carrolton,

24 Michigan at charterer's expense. Do you see that?

25 A. Yes.

Page 113

1 Q. And that was the term of the agreement that you

2 signed, correct?

3 A. Yes.

4 Q. Was it your understanding that there was the

5 possibility at the time you entered the bareboat

6 charter that the contract for sale was not going to go

7 through?

8 A. No, none whatsoever.

9 Q. Yet you signed this document with that very language

10 included in it, correct?

11 A. I looked at it (inaudible) to protect myself.

12 Q. But you signed that document with that very language

13 included, correct?

14 A. Yes.

15 Q. Now, this document as you understood it allowed

16 Calumet to take possession of the barge and to operate

17 it and use it, correct?

18 A. Yes. I was trying to accommodate their schedule.

19 Q. Okay. And entering into it at least as of the time

20 this was entered into it was your understanding that

21 Calumet did not own the barge at that time; is that

22 correct?

23 A. Yes.

24 Q. Now, as far as your understanding is concerned Calumet

25 could not use the barge pursuant to this charter

Gregory Busch
August 24, 2021

<p style="text-align: right;">Page 114</p> <p>1 agreement in such a way as being unsafe or negligent;</p> <p>2 would you agree with that?</p> <p>3 MR. BLEVINS: Objection, it's a legal</p> <p>4 conclusion.</p> <p>5 BY MR. CULLINAN:</p> <p>6 Q. Go ahead.</p> <p>7 A. Yes, it's what it says.</p> <p>8 Q. Have you seen produced in this case or even before the</p> <p>9 lawsuit was filed any reports of surveys done in June</p> <p>10 of 2019 by Randal Wilkie?</p> <p>11 A. I'm sorry, the question again, please?</p> <p>12 Q. Sure. Have you either within this case or before the</p> <p>13 case was even filed seen either of the two reports</p> <p>14 prepared by Randal Wilkie, one in June of 2019 and one</p> <p>15 I believe in July of 2019 regarding surveys he did of</p> <p>16 the barge?</p> <p>17 A. I only recall one report from Wilkie.</p> <p>18 Q. And do you recall him generally finding that the barge</p> <p>19 was unseaworthy?</p> <p>20 A. Well, that it was damaged.</p> <p>21 Q. Okay. But at least as of the time whatever report you</p> <p>22 saw it was his conclusion within the report that the</p> <p>23 barge was unseaworthy?</p> <p>24 A. Well, the report that he did that I read at the end of</p> <p>25 the report, if I recall, it's been two years since</p>	<p style="text-align: right;">Page 116</p> <p>1 operate the barge in the condition that Mr. Wilkie</p> <p>2 found?</p> <p>3 A. I don't know Mr. Wilkie's qualifications. I don't</p> <p>4 know the circumstances of the survey and I have not</p> <p>5 seen the barge. I cannot express an opinion on</p> <p>6 whether it would be negligent to operate the barge or</p> <p>7 not.</p> <p>8 Q. Have you seen the report of the surveys of Bob Ojala</p> <p>9 from September of 2019?</p> <p>10 A. Yes.</p> <p>11 Q. And he found the barge to be unseaworthy when he</p> <p>12 inspected it in September 2019, correct?</p> <p>13 A. That was his conclusion.</p> <p>14 Q. And he had findings as to repairs that needed to be</p> <p>15 made to the barge?</p> <p>16 A. I don't recall seeing any repair estimates. There was</p> <p>17 a repair estimate that I recall being done by Basic</p> <p>18 Marine, it was not very credible. Other than that I</p> <p>19 didn't remember seeing anything about repairs or</p> <p>20 repairs he recommended.</p> <p>21 Q. Did you see anything regarding findings that he made</p> <p>22 as to the condition of the barge, deficiencies in the</p> <p>23 barge at the time he surveyed it in September of 2019?</p> <p>24 A. I remember looking at his photographs and there were</p> <p>25 some inconsistencies in his survey, so I really didn't</p>
<p style="text-align: right;">Page 115</p> <p>1 I've read this, I did not get the impression that he</p> <p>2 felt the barge was unseaworthy.</p> <p>3 Q. Was it his conclusion, as you recall, if you recall,</p> <p>4 that the barge needed to be repaired?</p> <p>5 A. Yes.</p> <p>6 Q. Based on what you recall of Mr. Wilkie's conclusions</p> <p>7 and the report you reviewed, do you have an</p> <p>8 understanding as to whether it would have been unsafe</p> <p>9 for Calumet to operate the barge in open waters in</p> <p>10 that condition?</p> <p>11 MR. BLEVINS: Object to the form of the</p> <p>12 question.</p> <p>13 THE WITNESS: Do I have to answer?</p> <p>14 MR. BLEVINS: You can answer.</p> <p>15 THE WITNESS: I cannot give an opinion on</p> <p>16 that because I've not seen the barge or the damage.</p> <p>17 BY MR. CULLINAN:</p> <p>18 Q. But I'm just asking based on what you saw in the</p> <p>19 report that you reviewed of Mr. Wilkie do you have an</p> <p>20 understanding of whether if those findings were</p> <p>21 accurate, whether it would have been unsafe for</p> <p>22 Calumet to operate the barge in open waters in that</p> <p>23 condition?</p> <p>24 A. No, I would not agree with that.</p> <p>25 Q. You think it would have been negligent for Calumet to</p>	<p style="text-align: right;">Page 117</p> <p>1 give Ojala's survey a lot of credibility.</p> <p>2 Q. Based on the findings that were in that report would</p> <p>3 you believe it had been unsafe for Calumet to operate</p> <p>4 that barge in that condition in open water?</p> <p>5 A. I can't answer that for the same reason I could not</p> <p>6 answer that question with Mr. Wilkie's.</p> <p>7 Q. Can you say as of now since Calumet took the barge on</p> <p>8 June 1, 2019 you've not seen it; is that correct?</p> <p>9 A. That is correct.</p> <p>10 Q. Looking at this paragraph 2 on page 2 of the barge</p> <p>11 charter agreement it says charterer warrants barge</p> <p>12 shall be employed by charter only in suitable, safe,</p> <p>13 lawful trade and operations and will not be navigated</p> <p>14 or used in any improper or negligent manner for its</p> <p>15 proposed service, correct?</p> <p>16 A. That's what it says, yes.</p> <p>17 Q. Was it your understanding that in taking possession of</p> <p>18 the barge that Calumet could not operate it in an</p> <p>19 unlawful manner?</p> <p>20 A. Yes.</p> <p>21 MR. BLEVINS: Objection to the form of the</p> <p>22 question.</p> <p>23 MR. CULLINAN: Did you get the answer,</p> <p>24 Kathryn?</p> <p>25 COURT REPORTER: I got yes.</p>

Gregory Busch
August 24, 2021

<p style="text-align: right;">Page 118</p> <p>1 THE WITNESS: Yes.</p> <p>2 BY MR. CULLINAN:</p> <p>3 Q. Would it be unlawful to operate a barge with an</p> <p>4 expired load line certification that had not been</p> <p>5 renewed?</p> <p>6 A. Yes.</p> <p>7 Q. And the load line certification for this barge expired</p> <p>8 on June 13, 2019, correct?</p> <p>9 A. Yes, but you can easily get a one-way load line</p> <p>10 certificate.</p> <p>11 COURT REPORTER: I'm sorry, you can easily</p> <p>12 get what?</p> <p>13 BY MR. CULLINAN:</p> <p>14 Q. And it expired on --</p> <p>15 COURT REPORTER: I'm sorry, you can easily</p> <p>16 get what?</p> <p>17 THE WITNESS: A one-way load line</p> <p>18 certificate.</p> <p>19 COURT REPORTER: A one way?</p> <p>20 THE WITNESS: Load line certificate.</p> <p>21 COURT REPORTER: Load line certificate,</p> <p>22 yes.</p> <p>23 BY MR. CULLINAN:</p> <p>24 Q. Who would get that, the owner of the barge?</p> <p>25 A. No, the charterer in this case.</p>	<p style="text-align: right;">Page 120</p> <p>1 of 2019 after -- after Calumet had left it in</p> <p>2 Escanaba?</p> <p>3 A. I don't know if they did or not.</p> <p>4 Q. Aside from anyone at Calumet, have you spoken with</p> <p>5 anyone who's seen the barge since June 7, 2019?</p> <p>6 A. No.</p> <p>7 Q. Paragraph 5(a) says owner shall cause an on-charter</p> <p>8 hire condition survey to be conducted prior to</p> <p>9 possession of the barge by owner and charterer at no</p> <p>10 cost to owner and charterer. What was your</p> <p>11 understanding of an on-charter hire condition survey?</p> <p>12 A. Well, the charter view was provided to me by Calumet,</p> <p>13 and that particular clause -- let me read it here</p> <p>14 again. It kind of didn't make sense when I read it</p> <p>15 the first time. The first sentence is kind of</p> <p>16 ambiguous.</p> <p>17 MR. BLEVINS: If you don't mind, give the</p> <p>18 witness a chance to read the entire document.</p> <p>19 MR. CULLINAN: Sure. I didn't inject.</p> <p>20 MR. BLEVINS: Yeah. So if I can point him</p> <p>21 to a particular phrase and I'd ask him to read, you</p> <p>22 know, the entire -- at least the entirety of paragraph</p> <p>23 5.</p> <p>24 MR. CULLINAN: Sure. Absolutely. Take</p> <p>25 your time.</p>
<p style="text-align: right;">Page 119</p> <p>1 Q. Did you have to get that before the load line</p> <p>2 certificate expires?</p> <p>3 A. No.</p> <p>4 Q. So it's your position that Calumet could have gotten</p> <p>5 some sort of certificate that if it was in a seaworthy</p> <p>6 condition would have allowed it to operate?</p> <p>7 A. No. You can get those, and I've done it, with a</p> <p>8 damaged vessel.</p> <p>9 Q. Was the load line certificate expired with that</p> <p>10 damaged vessel?</p> <p>11 A. Yes.</p> <p>12 Q. So again, is it your position that Calumet after the</p> <p>13 load line certificate expired on June 13, 2019 could</p> <p>14 have obtained some certificate to operate the barge if</p> <p>15 it was seaworthy?</p> <p>16 A. Yes, you can get it -- well, no, there's no</p> <p>17 seaworthiness condition on that. You can move a</p> <p>18 damaged vessel that's not seaworthy under certain --</p> <p>19 they put restrictions on. They issue a one-way</p> <p>20 certificate for the sole purpose of getting the barge</p> <p>21 or vessel back to another location.</p> <p>22 Q. ABS or somebody would have to inspect the vessel to</p> <p>23 make sure it's in okay shape to do that?</p> <p>24 A. Coast Guard sometimes they'll delegate to ABS.</p> <p>25 Q. Do you know if ABS looked at this barge in the summer</p>	<p style="text-align: right;">Page 121</p> <p>1 THE WITNESS: Okay. What's the question</p> <p>2 here?</p> <p>3 BY MR. CULLINAN:</p> <p>4 Q. All right. The first sentence in paragraph 5(a) says</p> <p>5 the owner shall cause an on-charter hire condition</p> <p>6 survey to be conducted prior to possession of the</p> <p>7 barge by owner and charterer at no cost to owner and</p> <p>8 charterer, okay?</p> <p>9 A. Right. I found that ambiguous there, because</p> <p>10 elsewhere in this contract it specifically states that</p> <p>11 the charterer is to -- has a duty to inspect, and this</p> <p>12 is somewhat in contradiction to that.</p> <p>13 Q. Okay. That's way beyond anything I asked. All I</p> <p>14 asked is did I read that correctly?</p> <p>15 A. Well, yeah, you're reading words correctly.</p> <p>16 Q. Okay. That's all I asked. That's all I asked. My</p> <p>17 next question is do you know what an on-charter hire</p> <p>18 condition survey is?</p> <p>19 A. Yes.</p> <p>20 Q. What is it?</p> <p>21 A. The general procedure is that you hire an independent</p> <p>22 surveyor and they survey the barge, produce a report</p> <p>23 and that's an on-charter survey.</p> <p>24 Q. Did you prior to Calumet taking possession of the</p> <p>25 barge pursuant to this agreement have an on-charter</p>

Gregory Busch
August 24, 2021

<p style="text-align: right;">Page 122</p> <p>1 hire condition survey performed?</p> <p>2 A. No. I think we relied on the ABS survey.</p> <p>3 Q. The ABS survey is not an on-charter hire condition</p> <p>4 survey, is it?</p> <p>5 A. It's a survey.</p> <p>6 Q. It's not an on-charter hire condition survey, is it?</p> <p>7 A. No.</p> <p>8 Q. Going down to page 7, paragraph 14, starting in the</p> <p>9 middle of the paragraph it says further, owner</p> <p>10 warrants that neither owner nor any assignee of</p> <p>11 owner's rights hereunder will do or permit anything to</p> <p>12 disturb charterer's full right of possession and</p> <p>13 peaceful enjoyment thereof, and that owner has</p> <p>14 exercised due diligence and prudence to ensure that</p> <p>15 the vessel is seaworthy at the time of delivery. Did</p> <p>16 I read that correctly?</p> <p>17 A. Yes.</p> <p>18 Q. Did you do anything in terms of exercising due</p> <p>19 diligence and prudence to ensure that the vessel was</p> <p>20 seaworthy at the time of delivery?</p> <p>21 A. Yes.</p> <p>22 Q. What did you do specifically?</p> <p>23 A. ABS survey.</p> <p>24 Q. The ABS survey from almost 12 months before?</p> <p>25 A. That's correct. Barge did not move from the dock</p>	<p style="text-align: right;">Page 124</p> <p>1 Q. Paragraph 16 talks about any controversy or claims</p> <p>2 arising out of or relating to this contract or the</p> <p>3 breach thereof shall be governed by the general</p> <p>4 maritime laws of the United States insofar as</p> <p>5 applicable, otherwise by the laws of the State of</p> <p>6 Florida, correct?</p> <p>7 A. That's what it says.</p> <p>8 Q. Okay. That's what you agreed to, correct?</p> <p>9 A. Yes.</p> <p>10 Q. Doesn't provide for any laws in the State of Michigan</p> <p>11 to apply, does it?</p> <p>12 A. It doesn't read that way, no.</p> <p>13 Q. Was it your understanding that any change in the</p> <p>14 condition of the barge that was caused by the ordinary</p> <p>15 use of the barge was something that Calumet would not</p> <p>16 be responsible for?</p> <p>17 MR. BLEVINS: Objection to legal</p> <p>18 conclusion. Document speaks for itself.</p> <p>19 BY MR. CULLINAN:</p> <p>20 Q. Go ahead.</p> <p>21 A. My understanding is the agreement is that Calumet had</p> <p>22 a duty to inspect prior to accepting the barge, and</p> <p>23 they were responsible for any damage during their</p> <p>24 possession of the barge, and they also had obligation</p> <p>25 to return it, which they didn't do, if the sale was</p>
<p style="text-align: right;">Page 123</p> <p>1 during that time period.</p> <p>2 Q. Okay. You had not done -- had that survey done in</p> <p>3 2018 as part of your exercising due diligence and</p> <p>4 prudence in furtherance of this agreement that wasn't</p> <p>5 entered into until months later, did you?</p> <p>6 A. Well, we also did (inaudible), did some minor</p> <p>7 maintenance --</p> <p>8 COURT REPORTER: I'm sorry, sir, I'm not</p> <p>9 understanding you. You also did what?</p> <p>10 THE WITNESS: (Inaudible). Yeah, we'd also</p> <p>11 replaced some gauge cover gaskets and general</p> <p>12 maintenance on the barge in that time period.</p> <p>13 BY MR. CULLINAN:</p> <p>14 Q. Did you do anything with the tanks in the barge or</p> <p>15 anything with regard to the bottom hull plating?</p> <p>16 A. Not on the bottom hull plating. I think we welded</p> <p>17 some welds on some of the framing.</p> <p>18 Q. Within the tanks?</p> <p>19 A. Yes.</p> <p>20 Q. Where specifically did you do that work?</p> <p>21 A. I know there was some longitudinal deck brace under</p> <p>22 the deck and number 2 compartment. I think there was</p> <p>23 a weld on the diagonal truss frame in the number 1</p> <p>24 compartment, and I think there were a few scattered</p> <p>25 out through the vessel.</p>	<p style="text-align: right;">Page 125</p> <p>1 not completed.</p> <p>2 Q. Did you have an understanding that there was an</p> <p>3 exception to their responsibility for any damage that</p> <p>4 was caused by wear and tear through the ordinary use</p> <p>5 of the barge?</p> <p>6 A. No.</p> <p>7 MR. BLEVINS: Same objection.</p> <p>8 THE WITNESS: No. Wear and tear is</p> <p>9 generally in barges, you know, minor.</p> <p>10 BY MR. CULLINAN:</p> <p>11 Q. Would you agree with me that the things you can use --</p> <p>12 well, strike that. Is the -- well, strike that. I'll</p> <p>13 get back to it. I'm sorry.</p> <p>14 Did you eventually make delivery of the</p> <p>15 barge to Calumet?</p> <p>16 A. They picked it up at my dock.</p> <p>17 Q. And that happened on about June 1st of 2019?</p> <p>18 A. Yes.</p> <p>19 Q. You actually delivered it to them, didn't it -- didn't</p> <p>20 you?</p> <p>21 A. I moved it about 200 feet and nailed the side up.</p> <p>22 Q. And how did you do that?</p> <p>23 A. With a (inaudible).</p> <p>24 COURT REPORTER: I'm sorry, with a what?</p> <p>25 BY MR. CULLINAN:</p>

Gregory Busch
August 24, 2021

<p style="text-align: right;">Page 126</p> <p>1 Q. With what?</p> <p>2 A. With the Edwin C. Busch tug.</p> <p>3 Q. And was that because the Calumet tug couldn't get into</p> <p>4 the dock because of the shallowness of the water in</p> <p>5 the area?</p> <p>6 A. That is correct. There's about 6 feet of water in</p> <p>7 that canal.</p> <p>8 Q. Okay. Did anyone assist you in moving it, moving this</p> <p>9 barge out to Calumet's tug?</p> <p>10 A. I think I had a laborer from the machine shop just tie</p> <p>11 me off.</p> <p>12 Q. Was Terry on the barge -- I'm sorry, on the tug with</p> <p>13 you?</p> <p>14 A. Yes. He had driven it and he got on the barge and we</p> <p>15 moved it out.</p> <p>16 Q. Did you have any difficulty moving the barge out to</p> <p>17 Calumet's tug?</p> <p>18 A. A little bit. I had to tug between the shoreline and</p> <p>19 the barge, and the tug is only 42 feet long, and I had</p> <p>20 a little difficulty steering trying to get out the</p> <p>21 canal.</p> <p>22 Q. While you were trying to move it out was the barge</p> <p>23 banging against the shore in the bay?</p> <p>24 A. No, no, because the tug was between the barge and the</p> <p>25 shoreline.</p>	<p style="text-align: right;">Page 128</p> <p>1 and then they were trying to face off, and they</p> <p>2 couldn't get their cables on properly, so I had to</p> <p>3 tell them, you know, how to hook their cables up to</p> <p>4 their base wires.</p> <p>5 Q. Did you know the captain of the tug?</p> <p>6 A. Very vaguely. I used to operate a lot of the guys</p> <p>7 that they do and I probably talked to him on a radio</p> <p>8 different times.</p> <p>9 Q. Did you know anybody else who was working on the tug?</p> <p>10 A. Well, the only -- the kid that was in the pilot house,</p> <p>11 his name was Chad, and Terry was on the barge when</p> <p>12 they were trying to hook up, and I think it was one or</p> <p>13 two deck hands that came out and I didn't recognize</p> <p>14 them at all.</p> <p>15 Q. Once you -- once they got it faced up to the tug did</p> <p>16 they leave with the barge?</p> <p>17 A. Yes.</p> <p>18 Q. Since they left with the barge have you seen it again?</p> <p>19 A. Yeah, I was dredging at the mouth of the river and</p> <p>20 after they left I drove out to their dredge site and</p> <p>21 administration and I saw it go by.</p> <p>22 Q. That would have been how long after delivery?</p> <p>23 A. About two hours, two and-a-half hours.</p> <p>24 Q. And how long were you able to continue seeing them?</p> <p>25 A. Until probably about three hours from that point.</p>
<p style="text-align: right;">Page 127</p> <p>1 Q. When you first removed the barge from the shoreline to</p> <p>2 make the delivery was part of the barge, and</p> <p>3 specifically the stern, up on the bank?</p> <p>4 A. No.</p> <p>5 Q. Had it been like in that condition with the stern up</p> <p>6 on the bank at any time say in the six months prior to</p> <p>7 delivery of the barge?</p> <p>8 A. No. We had it tied up there all -- the bow rake was</p> <p>9 obviously up against the shoreline to facilitate</p> <p>10 getting on and off the barge.</p> <p>11 Q. Was anyone serving as a lookout for you when you moved</p> <p>12 the barge?</p> <p>13 A. It really wasn't necessary. My assistant from the</p> <p>14 machine shop I believe was on the barge and we got our</p> <p>15 lines on, and he'd help radio if I needed someone to</p> <p>16 look out, he could have.</p> <p>17 Q. What's that person's name?</p> <p>18 A. Corey -- shoot, it's been a couple years here. I</p> <p>19 can't think of his last name offhand. We can get it</p> <p>20 to you.</p> <p>21 Q. Does he still work for you?</p> <p>22 A. No.</p> <p>23 Q. Did you have any communication with anyone on the</p> <p>24 Calumet tug that was taking delivery of the barge?</p> <p>25 A. Yeah. The captain there called and told me who he was</p>	<p style="text-align: right;">Page 129</p> <p>1 Q. Was there any problem in terms of the way they were</p> <p>2 operating the boat as far as you could tell or moving</p> <p>3 the barge?</p> <p>4 A. Not at that point. I was a little surprised that they</p> <p>5 had trouble facing off because that's something that</p> <p>6 river tug boaters should be very expert at.</p> <p>7 Q. But in terms of the operation when you saw it going</p> <p>8 by, was there any problem or was there any</p> <p>9 difficulties they appeared to be having?</p> <p>10 A. No, they were going at a pretty high rate of speed for</p> <p>11 the river.</p> <p>12 Q. How fast were they going?</p> <p>13 A. I don't know. My estimation just looking at it I'd</p> <p>14 say probably 7 or 8 knots, and where I was the mouth</p> <p>15 of the river looked like they increased their speed</p> <p>16 when they made a corner on the interest channel.</p> <p>17 Q. And they were doing dredging at the time?</p> <p>18 A. Yes.</p> <p>19 Q. Did you continuously watch them for two to three</p> <p>20 hours?</p> <p>21 A. Well, no, I watched -- your original question was how</p> <p>22 long had they picked it up did I see them go by. It</p> <p>23 was about two and-a-half, three hours after I left my</p> <p>24 dock that they passed my dredge site and they were out</p> <p>25 of sight within a half hour of the dredge site.</p>

Gregory Busch
August 24, 2021

<p style="text-align: right;">Page 130</p> <p>1 Q. Is it during that half hour that you think you saw 2 them going too fast? 3 A. Well, for the end of the river they were. 4 Q. And how long did the end of the river continue for 5 before open water? 6 A. For the stretch that I could see was about two miles 7 long, two, three miles. 8 Q. And what happens at the end of that two miles? 9 A. It all comes up into Saginaw Bay, making about a 10 35 degree turn to the right, and then not long after 11 that you go out of sight from where we were. 12 Q. Once they got to the mouth of the river at that point 13 could you still see them? 14 A. No. As I answered previously, it was for a short time 15 as they made that corner. 16 Q. Okay. Once they made the corner after that could you 17 see them? 18 A. No. 19 Q. After they made that corner have you since then seen 20 the barge? 21 A. No, that was the last time I saw it. 22 Q. And after they made that corner did you see any of 23 Calumet's operation or handling of the barge? 24 A. I watched on AIS. 25 COURT REPORTER: I'm sorry, can you repeat</p>	<p style="text-align: right;">Page 132</p> <p>1 A. It was two years ago. I don't know when that was. 2 Q. And you cannot recall any of the information that you 3 observed on this automatic identification system? 4 A. Well, I was kind of surprised they were traveling at 5 over 9 knots and their speed never changed and went in 6 open water, and the last words that Terry Hoeckendorff 7 had told me was that he said that I'm worried that 8 we're going to get caught in bad weather, and so that 9 kind of -- my antenna up, and that's why I was 10 watching the AIS, because the prudent thing to do 11 would be to slow down if they encountered bad weather. 12 Q. Do you have any information that they in fact 13 encountered bad weather? 14 A. What's that? 15 Q. Do you have any information that they in fact 16 encountered bad weather at any time with the barge? 17 A. Well, yeah, it got real windy where we were, and on 18 the morning of June 4th Terry Hoeckendorff called me 19 up and said that they encountered 6- to 7-foot waves. 20 Q. When you say where you were, they weren't where you 21 were, correct? 22 A. That's correct. 23 Q. Is the only information you have with regard to 24 Calumet vessel and the barge encountering bad weather 25 your claim that Terry Hoeckendorff said they</p>
<p style="text-align: right;">Page 131</p> <p>1 that, sir? 2 THE WITNESS: What part do you need? 3 COURT REPORTER: The whole answer. When 4 you lean back like that your voice gets really 5 muddled. I couldn't understand what you said. 6 THE WITNESS: I said I watched them on AIS, 7 which is -- the answer is -- the question after that 8 is automatic identification system and it's on a 9 website. 10 BY MR. CULLINAN: 11 Q. Can you describe in more detail how that works and 12 what it is? 13 A. Yeah, commercial vessels required to have an AIS 14 transmitter receiver and it sends out the name of the 15 vessel and its -- excuse me, IMO number, its speed, 16 its course. They're supposed to be destination on 17 there and the dimensions for the vessel and so on. 18 Q. And for what period of time specifically did you pay 19 attention to that with regard to Calumet's operation 20 of this? 21 A. I watched it periodically all the way up to when they 22 drive to the loop (phonetic). 23 Q. And I need to know as specific as you can tell me when 24 you say periodically what days, for how long, what 25 time period.</p>	<p style="text-align: right;">Page 133</p> <p>1 encountered 6- to 7-foot waves? 2 A. No. I also looked at the weather reports and there 3 was one report, you know, to the north end of the 4 lake. 5 Q. What specifically did you look at? 6 A. I don't remember. There is -- I use anywhere four or 7 five different sites. So it went Finders One, there's 8 Gullet Lake Forecasts. 9 Q. I need to know which ones you actually looked at. 10 A. I don't remember. 11 Q. And can you tell me specifically what they said? 12 A. I don't remember that either, just 20 to 25 knot winds 13 I believe and that's about what we had where we were. 14 Q. And where was that? 15 A. That was Bay City. So I assume that was pretty much 16 widespread over the lake. 17 Q. Sometimes is the wind not widespread over the lake? 18 A. Oh, frequently, yes. 19 Q. Have you ever spoken with anyone, Ted or anyone else 20 who was a crew member of the Calumet tug, that was 21 moving the barge? 22 A. No. 23 Q. Do you have -- did you retain any documentation 24 regarding any weather reports or any sea conditions or 25 anything else that the Calumet barge was traveling in</p>

Gregory Busch
August 24, 2021

<p style="text-align: right;">Page 134</p> <p>1 at the time it had the barge?</p> <p>2 A. No.</p> <p>3 Q. And as far as the 7-foot waves as high as 7 feet, the</p> <p>4 only place that's coming from is your claiming Terry</p> <p>5 Hoeckendorff told you that they encountered that on</p> <p>6 June 4th?</p> <p>7 A. Well, it's not a claim, that's what he told me.</p> <p>8 Q. Was there any other time that Terry or anyone else</p> <p>9 told you they were encountering waves of any</p> <p>10 particular height?</p> <p>11 A. No. Well, when he said he had moved the barge from</p> <p>12 Duluth to Escanaba he said it was calm all the way.</p> <p>13 That's the only other instance.</p> <p>14 Q. Do you have any knowledge whether Calumet ever loaded</p> <p>15 the barge?</p> <p>16 A. No. I have no idea what they did up there.</p> <p>17 Q. I asked that poorly. Do you know one way or another</p> <p>18 if Calumet ever loaded anything on the barge?</p> <p>19 A. No, I don't have that knowledge.</p> <p>20 Q. At some point Calumet informed you that there was some</p> <p>21 sort of damage to the barge.</p> <p>22 A. In the same phone call he told me the waves were 6 to</p> <p>23 7 feet.</p> <p>24 Q. What do you know about the nature and extent of any</p> <p>25 damage that occurred to the barge at that time?</p>	<p style="text-align: right;">Page 136</p> <p>1 Q. With regard to the allegation about the barge's</p> <p>2 condition and abilities, what is that referring to?</p> <p>3 A. Well, that's, you know, true of any marine vessel, or</p> <p>4 actually any piece of machinery for that matter, that</p> <p>5 it needs to be operated in a prudent and common sense</p> <p>6 manner.</p> <p>7 Q. Is there something in particular about the STC2004</p> <p>8 that required it to be operated and maintained</p> <p>9 differently than any other barge?</p> <p>10 A. Well, that's, you know, a somewhat difficult question</p> <p>11 to answer because all vessels are different. Vessels</p> <p>12 are designed for different purposes and you can't just</p> <p>13 make a generalization that is this barge different</p> <p>14 than all other barges.</p> <p>15 Q. Are there different standards that apply to barges</p> <p>16 based on how old they are or what kind of condition</p> <p>17 they're in?</p> <p>18 A. I would agree with that statement, yes.</p> <p>19 Q. And you say down in -- you mentioned a number of other</p> <p>20 duties that we'll get to, but in paragraph 82 it</p> <p>21 alleges that Calumet failed in each of the above</p> <p>22 duties. What is your basis for saying that Calumet</p> <p>23 failed to maintain and operate the barge with care and</p> <p>24 commensurate with the barge's conditions and</p> <p>25 abilities?</p>
<p style="text-align: right;">Page 135</p> <p>1 A. His exact words were -- I think he said there was</p> <p>2 water in five compartments. The barge is crap. And</p> <p>3 he said he'd get back to me, which he never did.</p> <p>4 Q. As you sit here now do you have anymore information</p> <p>5 about any damage to the barge?</p> <p>6 A. Just in the reports that I saw and have been furnished</p> <p>7 with.</p> <p>8 Q. And what reports would those be?</p> <p>9 A. The ones you just went through.</p> <p>10 Q. The Ojala one and the Wilkie one?</p> <p>11 A. Right.</p> <p>12 Q. I put up a copy of the complaint in this case. Have</p> <p>13 you seen that?</p> <p>14 A. Yes.</p> <p>15 Q. Let me downsize it. All right. I want to ask you</p> <p>16 about a few items in the complaint. Let's go all the</p> <p>17 way down to paragraph 78 under the negligence count</p> <p>18 against Calumet River Fleeting. Do you see that?</p> <p>19 A. Line 78?</p> <p>20 Q. Yes.</p> <p>21 A. Yes.</p> <p>22 Q. CRF, meaning Calumet, had a duty to maintain and</p> <p>23 operate the barge with care that was commensurate with</p> <p>24 the barge's condition and abilities. Do you see that?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 137</p> <p>1 A. Well, my first response is they towed it too fast in</p> <p>2 weather conditions, and on 79, I'm reading on here --</p> <p>3 Q. I'll get to those in a minute, but I'm still on 78.</p> <p>4 A. All right.</p> <p>5 Q. Anything else other than towing it too fast and the</p> <p>6 weather and conditions?</p> <p>7 A. Well, I really can't answer that because I don't know</p> <p>8 what they did with the barge. I don't know that they</p> <p>9 did run aground somewhere between Bay City and Duluth</p> <p>10 for that matter.</p> <p>11 Q. Okay.</p> <p>12 A. And I saw it leave and a got a phone call three days</p> <p>13 later, so that's the extent of my knowledge.</p> <p>14 Q. And that's exactly what I'm trying to find out, the</p> <p>15 extent of your knowledge. So as you sit here now the</p> <p>16 only information that you have about Calumet failing</p> <p>17 to maintain and operate the barge with care</p> <p>18 commensurate with the barge's conditions and abilities</p> <p>19 is your having felt they towed it too fast for the</p> <p>20 weather and conditions, correct?</p> <p>21 A. That, and the obvious conclusion that the barge was</p> <p>22 damaged and so obviously something happened, and</p> <p>23 that's a violation of the care and maintenance.</p> <p>24 Q. And you don't have any knowledge regarding the nature</p> <p>25 and extent of the damage to the barge, right?</p>

<p style="text-align: right;">Page 138</p> <p>1 A. Just from what I reviewed in the two reports. I was</p> <p>2 not allowed to go see the barge.</p> <p>3 Q. Okay. And those two reports talked about the damage</p> <p>4 to the barge being the result of age and deterioration</p> <p>5 over time, correct?</p> <p>6 A. I would disagree with that, because I saw there were</p> <p>7 parts to that barge that are new, like any other</p> <p>8 vessel, and so it's not just strictly a matter of age.</p> <p>9 It's not like a car that you buy and you drive it for</p> <p>10 ten years and it falls apart and nothing was ever</p> <p>11 replaced on it. This barge had a lot of numerous</p> <p>12 replacements and repairs and maintenance through the</p> <p>13 years to maintain it in ABS condition.</p> <p>14 Q. And I understand you may disagree with Mr. Ojala</p> <p>15 and/or Mr. Wilkie, but I'm just saying it's their</p> <p>16 conclusion that the damage to the barge was based on</p> <p>17 age and deterioration over time and further normal use</p> <p>18 of the barge in ordinary circumstances; is that</p> <p>19 accurate?</p> <p>20 A. No, I would disagree with that. I mean, I'm not</p> <p>21 disagreeing that Wilkie and Ojala made those</p> <p>22 conclusions, I'm not agreeing with their conclusions.</p> <p>23 Q. Right, but their conclusions are that they've got this</p> <p>24 damage to the barge as a result of the age and</p> <p>25 deterioration and that's the only information you have</p>	<p style="text-align: right;">Page 140</p> <p>1 Q. Well, you do say in paragraph 82 that Calumet failed</p> <p>2 in each of the above duties, meaning that you were</p> <p>3 alleging Calumet failed in its duty to inspect the</p> <p>4 barge and be familiar with its suitability for</p> <p>5 Calumet's intended use. If you are able to say they</p> <p>6 breached that duty I need to know what duty you're</p> <p>7 talking about.</p> <p>8 A. Well, they failed to inspect.</p> <p>9 Q. You know nothing about the barge's suitability in</p> <p>10 terms of what Calumet was intended to use it for</p> <p>11 though because you don't know what Calumet was</p> <p>12 intending to use it for, correct?</p> <p>13 A. That is correct.</p> <p>14 Q. Paragraph 81 you say Calumet had a duty to load the</p> <p>15 barge properly so the barge could be operated safely</p> <p>16 in the conditions that Calumet was exposing it in; is</p> <p>17 that correct?</p> <p>18 A. Yes, that's what it says.</p> <p>19 Q. You say Calumet failed in that duty as well, correct?</p> <p>20 A. That's what it says.</p> <p>21 Q. And you, however, do not know what, if anything,</p> <p>22 Calumet loaded onto the barge, correct?</p> <p>23 A. That's correct.</p> <p>24 Q. Specifically you don't know that Calumet loaded</p> <p>25 anything on the barge, right?</p>
<p style="text-align: right;">Page 139</p> <p>1 with regard to any damage, correct?</p> <p>2 A. Well, we expect to get more information here shortly.</p> <p>3 Q. But as of now as you sit here that's all you have,</p> <p>4 right?</p> <p>5 A. That is correct.</p> <p>6 Q. All right. Paragraph 79 says Calumet had a duty to</p> <p>7 inspect the barge and be familiar with the barge's</p> <p>8 suitability for Calumet's intended use, correct?</p> <p>9 A. Yes, that's correct.</p> <p>10 Q. What was the barge's suitability for Calumet's</p> <p>11 intended use? What was it Calumet was supposed to be</p> <p>12 familiar with?</p> <p>13 A. Well, number one, a towing operation that hooks onto a</p> <p>14 tow has a duty to inspect the vessel and determine</p> <p>15 that it's seaworthy, that it's suitable for what</p> <p>16 they're going to do. Calumet did not share with me</p> <p>17 what their plans were, what their intentions were. I</p> <p>18 didn't go up there and view this barge in the Calumet</p> <p>19 River, which is where most of their business is, for</p> <p>20 example, and so, you know, it was -- the contract's</p> <p>21 very clear, both the sales agreement, that there was</p> <p>22 no warranty made on my part, and they had ample</p> <p>23 opportunity to inspect the barge, and I -- they had</p> <p>24 essentially unlimited time and ability to inspect the</p> <p>25 barge and they failed to do that.</p>	<p style="text-align: right;">Page 141</p> <p>1 A. That's correct.</p> <p>2 Q. And as far as paragraph 80 is concerned you say</p> <p>3 Calumet had a duty to pilot the barge only at a rate</p> <p>4 of speed suitable for the barge's condition and the</p> <p>5 conditions of the weather and sea, correct?</p> <p>6 A. Yes.</p> <p>7 Q. And the only information that you actually observed</p> <p>8 yourself about the piloting of the boat was within the</p> <p>9 river while you were dredging, correct?</p> <p>10 A. No, it was other areas actually.</p> <p>11 Q. But the only observation you made of the vessel being</p> <p>12 operated, actually operating, actually seeing the</p> <p>13 vessel, was in the river, right?</p> <p>14 A. That is correct.</p> <p>15 Q. Bear with me, I'm getting through here. I'm putting</p> <p>16 up a document that is entitled Busch Marine, Inc. and</p> <p>17 Gregory J. Busch responses to Defendants'</p> <p>18 interrogatories. Do you see that document?</p> <p>19 A. Yes.</p> <p>20 Q. All right. Have you seen this document before? Let</p> <p>21 me shrink it down for you.</p> <p>22 A. I haven't seen enough of it to know if I have or not.</p> <p>23 Q. This is a document where we ask a number of questions</p> <p>24 and ask you to provide answers to the questions. Do</p> <p>25 you know whether you've seen it before?</p>

Gregory Busch
August 24, 2021

<p style="text-align: right;">Page 142</p> <p>1 A. Probably a rough draft of it.</p> <p>2 Q. I notice it's not signed. Do you know enough about</p> <p>3 this document to know whether these answers are</p> <p>4 truthful and correct?</p> <p>5 A. I'm going to have to say no.</p> <p>6 MR. BLEVINS: It's just a few pages. We'd</p> <p>7 be happy to go through the documents and --</p> <p>8 THE WITNESS: Yeah, I can verify my answer,</p> <p>9 yes, with specific ones there.</p> <p>10 BY MR. CULLINAN:</p> <p>11 Q. All right. You want to make maybe five minutes and</p> <p>12 read it? I'm going to make it just a little smaller.</p> <p>13 Tell me, is that too small to read?</p> <p>14 A. No, it's just a touch --</p> <p>15 MR. BLEVINS: You know, we can put it up on</p> <p>16 our screen as well. This one we can get.</p> <p>17 BY MR. CULLINAN:</p> <p>18 Q. Okay. Tell me if you need me to scroll down.</p> <p>19 A. Yeah, we're good. What's your question?</p> <p>20 Q. Well, there's a ways to go if you want to continue</p> <p>21 reading it.</p> <p>22 A. Let me look at it on a different screen here, so --</p> <p>23 Q. Oh, okay.</p> <p>24 (Off the record at 4:57 p.m.)</p> <p>25 (Back on the record at 4:58 p.m.)</p>	<p style="text-align: right;">Page 144</p> <p>1 of Calumet, representatives of Great American and</p> <p>2 representatives of American Bureau of Shipping,</p> <p>3 correct?</p> <p>4 A. Yes, that's correct, with the condition that's over a</p> <p>5 huge time span.</p> <p>6 Q. Right. And with regard to the members of the American</p> <p>7 Bureau of Shipping, who would have knowledge about the</p> <p>8 condition of the barge? Would that be anyone who was</p> <p>9 involved in doing any surveys of the barge?</p> <p>10 A. That is correct, and then there's people that reviewed</p> <p>11 that that I've never met, don't know, and supervisors</p> <p>12 and so on.</p> <p>13 Q. How about representatives of Calumet? Are you aware</p> <p>14 of by name anyone other than Terry Hoeckendorff and</p> <p>15 possible Ted, the pilot?</p> <p>16 A. No, I'm not aware of anybody at CRF.</p> <p>17 Q. In answer to interrogatory number 5 there's an</p> <p>18 objection made. The interrogatory asks for</p> <p>19 information regarding the condition of the barge prior</p> <p>20 to entry of the proposed purchase agreement in the</p> <p>21 complaint, and within the answer after the objection</p> <p>22 you state the barge was seaworthy for its intended</p> <p>23 use, correct?</p> <p>24 A. Yes, except intended use by whom and when and what was</p> <p>25 the intended use.</p>
<p style="text-align: right;">Page 143</p> <p>1 BY MR. CULLINAN:</p> <p>2 Q. All right. Is it -- first of all, with regard to the</p> <p>3 interrogatory answers of you and Busch Marine --</p> <p>4 (Off the record due to technical difficulty</p> <p>5 at 4:58 p.m.)</p> <p>6 (Back on the record at 5:01 p.m.)</p> <p>7 BY MR. CULLINAN:</p> <p>8 Q. All right. You've had an opportunity to read through</p> <p>9 the pleading that we were served with that is titled</p> <p>10 Busch Marine, Inc. and Gregory J. Busch responses to</p> <p>11 Defendants' interrogatories?</p> <p>12 A. Yes.</p> <p>13 Q. Although it's not signed by you, you certify under</p> <p>14 penalty of perjury that the above answers and all of</p> <p>15 the answers contained therein are true and correct to</p> <p>16 the best of your knowledge, information and belief?</p> <p>17 A. Yes, with the proviso that some of these questions and</p> <p>18 answers refer to documents that were provided, and I</p> <p>19 don't know what's in those documents offhand.</p> <p>20 Q. Okay. Answer -- the question in interrogatory number</p> <p>21 4 asked to identify all persons who have knowledge of</p> <p>22 the condition of the barge, including the condition of</p> <p>23 the hull thickness of the barge at any time while</p> <p>24 basically you owned the barge, and you indicated that</p> <p>25 those persons would include yourself, representatives</p>	<p style="text-align: right;">Page 145</p> <p>1 Q. Well, that's my question. This is your answer and</p> <p>2 your referring to the barge's intended use. What are</p> <p>3 you talking about there?</p> <p>4 A. I didn't write that response personally, so I guess I</p> <p>5 don't know.</p> <p>6 Q. Did you ever review these responses before today?</p> <p>7 A. No, I didn't.</p> <p>8 Q. Did you review any version before today?</p> <p>9 A. Draft copy.</p> <p>10 Q. Did you make changes to the draft copy?</p> <p>11 A. Some, yes.</p> <p>12 Q. And again, where you say the barge was seaworthy for</p> <p>13 its intended use you're relying on the fact that -- of</p> <p>14 the 2018 load line extension survey?</p> <p>15 A. Yes.</p> <p>16 Q. In answer to interrogatory number 5 still you say you</p> <p>17 used the barge many times over the course of your</p> <p>18 ownership and you never experienced failure reported</p> <p>19 by CRF, correct?</p> <p>20 A. That's correct.</p> <p>21 Q. What is the failure reported by CRF?</p> <p>22 A. Well, the damage that they are alleging that it's not</p> <p>23 seaworthy, not seaworthy.</p> <p>24 Q. And other than what's in the Ojala and Wilkie reports</p> <p>25 you don't have any knowledge regarding that damage,</p>

Gregory Busch
August 24, 2021

<p style="text-align: right;">Page 146</p> <p>1 correct?</p> <p>2 A. That's correct.</p> <p>3 Q. In answer number 12 it asks for you to identify all</p> <p>4 occasions on which you or somebody else submitted</p> <p>5 marine surveys pertaining to the barge to ABS. You</p> <p>6 answer: ABS performed marine surveys pertaining to</p> <p>7 the barge every year, correct?</p> <p>8 A. That's correct.</p> <p>9 Q. And while that's true, they do different kinds of</p> <p>10 surveys over the course of each year, correct?</p> <p>11 A. I'm sorry, restate that, please?</p> <p>12 Q. Yeah, the surveys that are performed every year are</p> <p>13 not the same, are they?</p> <p>14 A. They follow the same format, but if it's a different</p> <p>15 surveyor each surveyor does it slightly differently.</p> <p>16 Q. Right. And even the surveyors themselves may exercise</p> <p>17 different discretions from year to year, correct?</p> <p>18 A. That's correct yes.</p> <p>19 Q. And also the five-year surveys are entirely different</p> <p>20 from the annual survey and the extension survey,</p> <p>21 correct?</p> <p>22 A. That's correct.</p> <p>23 Q. And annual surveys as we discussed I think at length</p> <p>24 earlier do not involve dry-dock inspections, correct?</p> <p>25 A. That's correct.</p>	<p style="text-align: right;">Page 148</p> <p>1 conclusion.</p> <p>2 MR. CULLINAN: Well, it's his answer.</p> <p>3 BY MR. CULLINAN:</p> <p>4 Q. Is that correct?</p> <p>5 A. Yes.</p> <p>6 Q. And also in order to comply with the conditions you</p> <p>7 understood that certain documents had to be submitted</p> <p>8 to the Coast Guard, correct?</p> <p>9 A. Yes.</p> <p>10 MR. BLEVINS: Same objection and</p> <p>11 we're readmitting (inaudible) --</p> <p>12 COURT REPORTER: Sorry, can't hear that,</p> <p>13 Mr. Blevins.</p> <p>14 MR. BLEVINS: I'm sorry, the same</p> <p>15 objection, and we are restating the objection</p> <p>16 expressed in a response to that interrogatory.</p> <p>17 COURT REPORTER: Thank you.</p> <p>18 MR. BLEVINS: Thank you.</p> <p>19 BY MR. CULLINAN:</p> <p>20 Q. Did you ever see any audio gauge measurements or gauge</p> <p>21 measurements taken by Diversified Naval Architects in</p> <p>22 July of 2019 with regards to the barge?</p> <p>23 A. Yeah, I did some audio gauges. I'm not sure who they</p> <p>24 came from or who took them.</p> <p>25 Q. Can you see -- let me first shrink it -- the document</p>
<p style="text-align: right;">Page 147</p> <p>1 Q. And they do not involve taking audio gauge readings of</p> <p>2 the thickness of the hull, correct?</p> <p>3 A. That is correct.</p> <p>4 Q. And there's no inspection of the underside plating of</p> <p>5 the hull during the annual survey, correct?</p> <p>6 A. Yes.</p> <p>7 Q. Interrogatory number 15 asks you to identify with</p> <p>8 specificity what you did to comply with the conditions</p> <p>9 of the proposed contract for the sale of the barge,</p> <p>10 and after an objection is asserted it says: In order</p> <p>11 to comply with the conditions of the proposed contract</p> <p>12 for the sale of the barge by Busch to Calumet, you</p> <p>13 gathered and participated in the preparation of</p> <p>14 sale-related documents, obtained a probate release of</p> <p>15 the lien held by Ed Busch and Ruth Busch, and</p> <p>16 cooperated with the broker, Sun Machinery, and CRF in</p> <p>17 the submission of documentation to the Coast Guard,</p> <p>18 correct?</p> <p>19 A. Yes.</p> <p>20 Q. So you understood that you were attempting to comply</p> <p>21 with conditions of the contract when you were doing</p> <p>22 those things such as trying to obtain a release of the</p> <p>23 lien held by your -- the mortgage that had been taken</p> <p>24 by your parents, correct?</p> <p>25 MR. BLEVINS: Objection to any legal</p>	<p style="text-align: right;">Page 149</p> <p>1 entitled thickness measurement report that I put up?</p> <p>2 A. I don't recognize that, but go ahead.</p> <p>3 Q. You do see it on the screen though?</p> <p>4 A. We see it, yeah.</p> <p>5 Q. Right. And just for the record it's CRF 24 through</p> <p>6 CRF 44, okay? And I'm going to go back to the top of</p> <p>7 it, I'm going to try to, and it says name of company</p> <p>8 performing thickness measurements, Diversified Naval</p> <p>9 Architects, Inc., okay? And on this first page it has</p> <p>10 a date of July 15, 2019 being the day of the first and</p> <p>11 the last measurement. Do you see that?</p> <p>12 A. Yes.</p> <p>13 Q. Do you know -- and I'll scroll down slowly and stop me</p> <p>14 if you need me to. Do you know if you were ever</p> <p>15 provided with these measurements?</p> <p>16 A. I don't recognize them, no.</p> <p>17 Q. As you sit here today do you have any basis to contend</p> <p>18 that these measurements are in any way wrong?</p> <p>19 A. Well, yeah, to answer your question, yes.</p> <p>20 Q. What is your basis for saying they're wrong?</p> <p>21 MR. BLEVINS: Let me object to this line of</p> <p>22 questioning. It's a very detailed document,</p> <p>23 several -- numerous pages. He said he hasn't any</p> <p>24 memory of seeing them before today, so he's going to</p> <p>25 have to express opinions -- whether he agrees or</p>

Gregory Busch
August 24, 2021

<p style="text-align: right;">Page 150</p> <p>1 disagrees with these documents, he's going to have to</p> <p>2 have time to actually review them.</p> <p>3 MR. CULLINAN: Well, that's why I was a</p> <p>4 little surprised when he said he disagrees with them,</p> <p>5 because he hasn't even seen the document. I'm just</p> <p>6 trying to find out if as you sit here -- sits here</p> <p>7 right now does he have any information from any source</p> <p>8 that any of the information in here is wrong? And if</p> <p>9 he hasn't seen it, I can't believe he doesn't, but</p> <p>10 I'll need him to say that.</p> <p>11 MR. BLEVINS: Can you verify these</p> <p>12 documents were produced to us?</p> <p>13 MR. CULLINAN: Yeah, they were produced</p> <p>14 with our initial disclosures at the beginning of the</p> <p>15 case.</p> <p>16 MR. BLEVINS: Okay. Thank you.</p> <p>17 MR. CULLINAN: CRF 24 through 44.</p> <p>18 MR. BLEVINS: Okay.</p> <p>19 BY MR. CULLINAN:</p> <p>20 Q. So again, do you have any information as you sit here</p> <p>21 today that any of the information in this report is</p> <p>22 incorrect or inaccurate?</p> <p>23 A. I can't verify these.</p> <p>24 Q. We are almost done. Bear with me just one little bit</p> <p>25 more. I'm putting up on the screen -- first of all,</p>	<p style="text-align: right;">Page 152</p> <p>1 A. Yes.</p> <p>2 Q. Okay. And without the time difference, Mr.</p> <p>3 Hoeckendorff, Calumet being here in decuble (phonetic)</p> <p>4 discoval (phonetic) area would be on Central time and</p> <p>5 you would be on Eastern time, right?</p> <p>6 A. Yes.</p> <p>7 Q. So at least as of that time you understood that the</p> <p>8 barge was yours and was not Calumet's at the close of</p> <p>9 business on June 7, 2019, correct?</p> <p>10 MR. BLEVINS: Objection to the legal</p> <p>11 conclusion.</p> <p>12 BY MR. CULLINAN:</p> <p>13 Q. Correct?</p> <p>14 A. No. My view was the barge was not being paid for,</p> <p>15 and until it was paid for it was still my barge --</p> <p>16 Q. Okay. Right. So --</p> <p>17 A. -- you know, yeah.</p> <p>18 Q. That was my question. Was it your understanding at</p> <p>19 this time that that barge was yours?</p> <p>20 MR. BLEVINS: Objection to any legal</p> <p>21 conclusion.</p> <p>22 COURT REPORTER: I'm sorry, objection to</p> <p>23 what?</p> <p>24 MR. BLEVINS: To any legal conclusion.</p> <p>25 BY MR. CULLINAN:</p>
<p style="text-align: right;">Page 151</p> <p>1 can you see it, the first one up here, the e-mail? Do</p> <p>2 you see it?</p> <p>3 A. Yes.</p> <p>4 Q. Just for the record, this is a number of different</p> <p>5 e-mails that were produced by Calumet in the case as</p> <p>6 CRF 231 through CRF 240, okay? Here's the last page.</p> <p>7 There's 240. And the first page, page 231, has two</p> <p>8 e-mails on it, one dated June 7, 2019 from Terry</p> <p>9 Hoeckendorff to you with Sun Machinery copied, and it</p> <p>10 says in the beginning I regret to inform you Calumet</p> <p>11 River Fleeting, Inc. will not be purchasing barge</p> <p>12 STC2004 due to the lapse in the closing date of</p> <p>13 June 7, 2019 to finalize the sale per closing date</p> <p>14 extension addendum. Do you see that?</p> <p>15 A. Yes.</p> <p>16 Q. Did you receive that e-mail correspondence from Mr.</p> <p>17 Hoeckendorff?</p> <p>18 A. Yes.</p> <p>19 Q. And then in response to it did you then write, Terry,</p> <p>20 when do you plan to return my barge, capitalized my,</p> <p>21 to the Busch Marine document (sic) in Carrollton,</p> <p>22 Michigan and where is it currently located?</p> <p>23 A. Yes, that's what it says.</p> <p>24 Q. Okay. And that was in response to Mr. Hoeckendorff's</p> <p>25 e-mail, correct?</p>	<p style="text-align: right;">Page 153</p> <p>1 Q. Go ahead.</p> <p>2 A. Yeah, not intended as a statement that the barge was</p> <p>3 mine. It was a reference to the fact that basically</p> <p>4 they hadn't paid for it or were intending not to pay</p> <p>5 for it.</p> <p>6 Q. Was it your understanding when you wrote this e-mail</p> <p>7 that the barge was yours?</p> <p>8 MR. BLEVINS: Same objection.</p> <p>9 A. No, and for the sample fact that I was informed by the</p> <p>10 Coast Guard and the Haynes International that the only</p> <p>11 way the barge would be returned to me would be a bill</p> <p>12 of sale would have to be agreed on. I would have to</p> <p>13 agree to sign it, CRF would have to sign it. It would</p> <p>14 have to be submitted to the Coast Guard, and that was</p> <p>15 the only condition that the barge would return to my</p> <p>16 ownership.</p> <p>17 BY MR. CULLINAN:</p> <p>18 Q. Yet in spite of everything you just said you referred</p> <p>19 to it as my barge, correct?</p> <p>20 A. I think we're parsing words here in a big way.</p> <p>21 Q. I'm not parsing words, I'm reading what you wrote.</p> <p>22 You wrote --</p> <p>23 A. Yes, you are.</p> <p>24 Q. -- and called it my barge, correct?</p> <p>25 MR. BLEVINS: Objection, the document</p>

Gregory Busch
August 24, 2021

<p style="text-align: right;">Page 154</p> <p>1 speaks for itself.</p> <p>2 BY MR. CULLINAN:</p> <p>3 Q. Is that correct?</p> <p>4 A. No.</p> <p>5 Q. It's not? This document does not say my barge? Are</p> <p>6 you -- where are you reading that? Tell me where it</p> <p>7 doesn't say that.</p> <p>8 MR. BLEVINS: Objection to the form of the</p> <p>9 question.</p> <p>10 BY MR. CULLINAN:</p> <p>11 Q. In the first line of the e-mail that you wrote after</p> <p>12 the close of business on June 7th you refer to it as</p> <p>13 my barge, correct?</p> <p>14 A. That is what it says.</p> <p>15 Q. That's all I'm asking you.</p> <p>16 A. That's not what I meant.</p> <p>17 Q. Okay. Well, that's a different story. And on June 8,</p> <p>18 2019 Mr. Hoeckendorff wrote you and requested the</p> <p>19 return of the \$50,000 deposit, correct?</p> <p>20 A. I don't remember getting that letter, but that's what</p> <p>21 it says.</p> <p>22 Q. CRF 232?</p> <p>23 A. Yes. It's kind of flipping up and down when you were</p> <p>24 moving it.</p> <p>25 Q. Just doing it to get the number there.</p>	<p style="text-align: right;">Page 156</p> <p>1 advising you that Basic Marine in Escanaba would have</p> <p>2 available dry-dock opening on June 27th?</p> <p>3 A. Yes, I remember.</p> <p>4 Q. All right. And upon receipt of that e-mail, or some</p> <p>5 time shortly after, but on June 12, 2019 you wrote to</p> <p>6 Leo Evans and said please be advised you are not</p> <p>7 authorized to do any work on barge STC2004 without my</p> <p>8 written authorization, correct?</p> <p>9 A. That is correct.</p> <p>10 Q. And Leo Evans is at North Shore Marine Terminal where</p> <p>11 Terry had referred to potentially there being work --</p> <p>12 or a dry-dock space available later on?</p> <p>13 A. What's the question there?</p> <p>14 Q. That was in response to Terry advising you of Basic</p> <p>15 Marine having a dry-dock opening later in the month?</p> <p>16 A. Not -- not really the dry docking. I didn't want CRF</p> <p>17 running up a big bill and, you know, trying to collect</p> <p>18 from me at some point.</p> <p>19 Q. Is Leo Evans who you wrote to, is he at Basic Marine</p> <p>20 or North Shore Marine Terminal?</p> <p>21 A. It's the same company. They have two names for the</p> <p>22 same company.</p> <p>23 Q. Okay. Perfect. That's what I thought. But you</p> <p>24 advised Basic Marine slash North Shore Marine Terminal</p> <p>25 not to do any work on the barge, right, as of</p>
<p style="text-align: right;">Page 155</p> <p>1 A. Yes. What's the question?</p> <p>2 Q. He wrote to you requesting the -- well, strike that.</p> <p>3 As of the e-mail that he sent to you on</p> <p>4 June 7th at the close of business he requested</p> <p>5 directly of you the return of the down payment of</p> <p>6 \$50,000, correct?</p> <p>7 A. That's what the letter says.</p> <p>8 Q. And just so we're clear, I think I asked you this but</p> <p>9 I just need to tie up the loose ends, separately there</p> <p>10 was a payment of \$25,000 by Calumet to you of the --</p> <p>11 for the barge charter?</p> <p>12 A. That's correct.</p> <p>13 Q. And that was I think maybe (inaudible) --</p> <p>14 COURT REPORTER: I'm sorry, I can't hear</p> <p>15 you, sir. You're turned away.</p> <p>16 BY MR. CULLINAN:</p> <p>17 Q. That was the check that you cashed upon receipt of it?</p> <p>18 A. Yes.</p> <p>19 Q. Very quickly, I have a couple more pages. Do you</p> <p>20 initially see an e-mail at the top of the first page</p> <p>21 from Leo Evans to Terry Hoeckendorff?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. This is just a couple of e-mails on three pages</p> <p>24 previously produced as CRF 266 through CRF 268. Okay.</p> <p>25 Do you recall around June 12th Terry Hoeckendorff</p>	<p style="text-align: right;">Page 157</p> <p>1 June 12th?</p> <p>2 MR. BLEVINS: Well, that misrepresents the</p> <p>3 document.</p> <p>4 MR. CULLINAN: Oh, my God. It's one</p> <p>5 sentence. It says --</p> <p>6 MR. BLEVINS: Without my written</p> <p>7 permission, written authorization.</p> <p>8 BY MR. CULLINAN:</p> <p>9 Q. Okay. You're right. It says in one sentence please</p> <p>10 be advised that you are not authorized to do any work</p> <p>11 on barge STC2004 without my written authorization,</p> <p>12 correct?</p> <p>13 A. That is correct.</p> <p>14 Q. You were writing that as the owner of the barge,</p> <p>15 correct?</p> <p>16 MR. BLEVINS: Objection to any legal</p> <p>17 conclusions.</p> <p>18 BY MR. CULLINAN:</p> <p>19 Q. Go ahead.</p> <p>20 A. No, I was not.</p> <p>21 Q. In what capacity were you writing it?</p> <p>22 A. Previous owner of the barge.</p> <p>23 Q. Why would you do that if you didn't have an ownership</p> <p>24 in the barge anymore?</p> <p>25 A. Protect myself.</p>

Gregory Busch
August 24, 2021

<p style="text-align: right;">Page 158</p> <p>1 Q. In case you're determined to be the owner of the</p> <p>2 barge?</p> <p>3 A. No. Basic Marine has a bad reputation, and it just</p> <p>4 seemed to be a very prudent thing to make it clear</p> <p>5 that I was not going be responsible for any charges up</p> <p>6 there without knowing about it.</p> <p>7 Q. Did you ever request a renewal of the load line</p> <p>8 certificate in 2019 after Calumet took possession of</p> <p>9 the barge?</p> <p>10 A. I don't know. We have some auto renewals on CODs, and</p> <p>11 we stopped -- stopped at somewhere around that time</p> <p>12 period.</p> <p>13 Q. With regard to any surveys that Bob Ojala did of the</p> <p>14 barge --</p> <p>15 A. I'm sorry, I can't hear you there.</p> <p>16 Q. I'm sorry. With regard to any surveys that Bob Ojala</p> <p>17 did of the barge in September of 2019, first of all,</p> <p>18 you're aware he did a survey at that time, correct?</p> <p>19 A. Yes.</p> <p>20 Q. Did you know prior to his arriving there that he was</p> <p>21 going to do the survey?</p> <p>22 A. Yes.</p> <p>23 Q. Do you know who he had been hired by to do it?</p> <p>24 A. My understanding was CRF hired him.</p> <p>25 Q. You didn't understand that the insurance company,</p>	<p style="text-align: right;">Page 160</p> <p>1 bottom of the barge and he was pretty incomprehensible</p> <p>2 as a survey.</p> <p>3 Q. Right, so you objected to the survey, right?</p> <p>4 A. Yes.</p> <p>5 Q. And they asked that another one be done?</p> <p>6 A. Yes.</p> <p>7 Q. And they ran the name Bob Ojala past you in advance of</p> <p>8 his doing the survey, correct, they being Great</p> <p>9 American?</p> <p>10 A. Yeah, I think they did, yes.</p> <p>11 Q. And you had no objections to him doing it, did you?</p> <p>12 A. Well, I would have objected, but I think they were --</p> <p>13 there was quite a bit of correspondence went back and</p> <p>14 forth or e-mails or phone calls. I don't remember</p> <p>15 which form they were in.</p> <p>16 Q. You said you would have objected. Did you actually</p> <p>17 raise any objections to Great American to Bob Ojala</p> <p>18 doing the survey?</p> <p>19 A. At this time I don't know if I did or not.</p> <p>20 Q. So I don't have to show this document, I think you</p> <p>21 said this earlier, but prior to 2019 you had not used</p> <p>22 the barge in any way since 2016; is that correct?</p> <p>23 A. Yeah. The barge I have not used in 2017 except for</p> <p>24 two days to go up to Tawas Bay for the submarine</p> <p>25 dives. 2018 it was not used at all.</p>
<p style="text-align: right;">Page 159</p> <p>1 Great American, had hired him?</p> <p>2 A. Oh, yeah, yeah, it might have been Great American,</p> <p>3 yeah.</p> <p>4 Q. And you were aware before he did the survey that he</p> <p>5 was going to do the survey, right?</p> <p>6 A. Yes. I saw him and an employee drove up the night</p> <p>7 before, Basic Marine telling them I'd be up here to</p> <p>8 observe the surveying, and they told me they would not</p> <p>9 let me in the gate.</p> <p>10 Q. Hadn't Great American previously advised you that he</p> <p>11 would be doing the survey?</p> <p>12 A. I don't remember.</p> <p>13 Q. Did they -- did Great American run Mr. Ojala's name</p> <p>14 past you in terms of someone who would possibly do a</p> <p>15 survey to make sure you were okay with it?</p> <p>16 A. They didn't get my -- no, they didn't ask my</p> <p>17 permission, Ojala. They never denied having them use</p> <p>18 Ojala, but...</p> <p>19 Q. So Great American in August or so of 2019 had a survey</p> <p>20 done by a gentleman from Davis & Company, correct?</p> <p>21 A. Right.</p> <p>22 Q. And you objected to that survey, correct, to his</p> <p>23 findings?</p> <p>24 A. Yeah, he was a company that does pleasure boats, you</p> <p>25 know what I mean? He referred to barnacles on the</p>	<p style="text-align: right;">Page 161</p> <p>1 Q. And just to make sure I ask it the right way, these</p> <p>2 load line certificates that was in effect as of the</p> <p>3 first few days of June were set to expire on June 13,</p> <p>4 2018?</p> <p>5 A. No, it was set to expire on --</p> <p>6 Q. I'm sorry.</p> <p>7 A. -- with the extension on June 13th, 2019.</p> <p>8 Q. I misspoke. So the load line certificates that was in</p> <p>9 effect when Calumet took possession of the barge was</p> <p>10 to expire June 13, 2019 pursuant to the five-year</p> <p>11 survey and the one-year extension that had been</p> <p>12 granted, correct?</p> <p>13 A. Yes.</p> <p>14 MR. CULLINAN: All right. Mr. Busch, you</p> <p>15 have been incredibly patient, I appreciate it. That's</p> <p>16 all the questions I have. Thank you.</p> <p>17 THE WITNESS: Okay. Thank you.</p> <p>18 MR. BLEVINS: I have nothing.</p> <p>19 EXAMINATION</p> <p>20 BY MR. LIDDANE:</p> <p>21 Q. Mr. Busch, Mike Liddane here. I have just a few</p> <p>22 scattered questions. Obviously counsel has been</p> <p>23 pretty thorough, but there is a few things I need to</p> <p>24 follow up with you. Do you need a break? I won't be</p> <p>25 very long I don't believe.</p>

<p style="text-align: right;">Page 162</p> <p>1 A. Yeah, a quick one.</p> <p>2 MR. LIDDANE: A quick one, a bathroom</p> <p>3 break, and we'll start up again.</p> <p>4 (Recess taken at 5:34 p.m.)</p> <p>5 (Back on the record at 5:40 p.m.)</p> <p>6 BY MR. LIDDANE:</p> <p>7 Q. So I want to go back to sort of a big picture here on</p> <p>8 the nature of these five-year special periodic surveys</p> <p>9 of the hull for getting load lines. Those -- that</p> <p>10 five-year load line survey, that's the only time that</p> <p>11 the hull gaugings with ultrasonic equipment is</p> <p>12 required; is that true?</p> <p>13 A. That's correct.</p> <p>14 Q. Okay. And if I understand the purpose, obviously it's</p> <p>15 measuring the thickness of the steel of the hull in</p> <p>16 various places, because it's a way of checking the</p> <p>17 integrity of the hull to make sure it's seaworthy,</p> <p>18 correct?</p> <p>19 A. Yes. That's correct.</p> <p>20 Q. All right. And that's necessary, as I understand it,</p> <p>21 because it's a generally known phenomenon that vessels</p> <p>22 working during the course of their ordinary life on</p> <p>23 the Great Lakes their hulls tend to thin and waste</p> <p>24 away over time; isn't that true?</p> <p>25 A. That is correct.</p>	<p style="text-align: right;">Page 164</p> <p>1 hull you can't tell where the streaks are because</p> <p>2 they -- you know, it just kind of blends together</p> <p>3 because of the welding process, and so generally it's</p> <p>4 about every 5 to 10 feet depending on the size of the</p> <p>5 vessel.</p> <p>6 Q. Okay. So whatever location the plate that are going</p> <p>7 to be gauged at the direction of the ABS surveyor,</p> <p>8 each reading has some importance, correct?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. Because each reading is telling you something</p> <p>11 about the condition of that section of plate as to</p> <p>12 whether it's acceptable or not acceptable, so good</p> <p>13 readings are important to know and bad readings are</p> <p>14 important to know, correct?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. So I was confused then by your testimony that</p> <p>17 Ms. Ward may have in some fashion had you take</p> <p>18 readings but not record them as somehow irrelevant.</p> <p>19 Did I hear you correctly?</p> <p>20 A. Yes. They're good readings, you know, in that</p> <p>21 particular case. You know, some surveyors do that,</p> <p>22 some don't. If it was a bad reading, then they would</p> <p>23 record more readings in that same area to determine</p> <p>24 the extent of the wastages would weigh. If there is a</p> <p>25 good reading there's no point in taking additional</p>
<p style="text-align: right;">Page 163</p> <p>1 Q. Okay. And that's regardless of whether there is an</p> <p>2 accident, it's just that the natural phenomenon of the</p> <p>3 stretching of the hull and the thinning of the plate</p> <p>4 that needs ultimately possibly some correction or</p> <p>5 replacement if it gets too thin, correct?</p> <p>6 A. Yes.</p> <p>7 Q. All right. And so when these five-year load line</p> <p>8 gaugings are done as you explained it, let's focus on</p> <p>9 the 2013 gauges that were taken where you did the</p> <p>10 gauging but as I understand it in the presence and</p> <p>11 direction of Ms. Ward of the ABS; is that right?</p> <p>12 A. That's correct.</p> <p>13 Q. Okay. And so I take is it that she was telling you</p> <p>14 where to do the gauging on a particular plate or were</p> <p>15 you making those selections for her?</p> <p>16 A. Generally, as I explained before, they typically</p> <p>17 (inaudible) --</p> <p>18 COURT REPORTER: I'm sorry, I can't</p> <p>19 understand you, sir.</p> <p>20 THE WITNESS: I'm sorry. The procedure, I</p> <p>21 don't know if it's in their rule book how these</p> <p>22 gaugings are done, but in my experience you always do</p> <p>23 a forward belt, a middle belt and an aft belt, and if</p> <p>24 it's a riveted hull, for example, which my one tug is,</p> <p>25 they take one gauging per plate streak. On a welded</p>	<p style="text-align: right;">Page 165</p> <p>1 readings in that particular area.</p> <p>2 Q. So that I understand though, every reading that is</p> <p>3 taken is and should be recorded, correct?</p> <p>4 A. It's to the discretion of the surveyor. You know, in</p> <p>5 that particular case, you know, we had the required</p> <p>6 readings, and she said well, yeah, take one over here,</p> <p>7 and we did it and it was a good reading and she moved</p> <p>8 on, so...</p> <p>9 Q. So were you doing -- you're doing the actual gauging</p> <p>10 using the ultrasonic device?</p> <p>11 A. Right.</p> <p>12 Q. Is she writing notes or are you writing notes after</p> <p>13 you do the gauge?</p> <p>14 A. Well, I write notes. I don't know if she did or not.</p> <p>15 Q. Okay. The -- let's focus on the bottom hull of the</p> <p>16 barge in those 2013 readings. Counsel went through</p> <p>17 them. I don't need to go through those again, those</p> <p>18 ten readings, but if every plate on the bottom of that</p> <p>19 hull were to be gauged, how many readings would it be?</p> <p>20 I guess my question is how many plates are there on</p> <p>21 the bottom of that hull, on the bottom?</p> <p>22 A. Well, (inaudible) --</p> <p>23 COURT REPORTER: I can't hear you, sir.</p> <p>24 I'm sorry, I can't understand you.</p> <p>25 THE WITNESS: Oh, I'm sorry. Yeah, you</p>

Gregory Busch
August 24, 2021

<p style="text-align: right;">Page 166</p> <p>1 could essentially take an infinite number of readings, 2 but the ABS rules it does state that audio gauge 3 readings are not to become a fishing expedition. 4 That's the exact wording. And so the surveyors 5 generally stick to the three belts, random, and, you 6 know, discretionary readings.</p> <p>7 Q. Okay. Maybe I'll ask the question again. I asked it 8 poorly. How many bottom hull plates are there on that 9 barge? Forget readings. How many bottom hull plates 10 are there?</p> <p>11 A. Well, there's four on a welded vessel but then you 12 have streaks, so you really can't identify the plates. 13 So I have no idea how many there are. You know, I 14 mean, that area is 250 by probably about 70 when you 15 take in the (inaudible) barrel of the radius.</p> <p>16 Q. But despite your familiarity of the barge you can't 17 identify or maybe quantify the number of plates, like 18 each plate is a certain dimension that we can do some 19 math and figure it out?</p> <p>20 A. No, because the other problem is the plate sizes vary 21 and they're all standard steel size, you know, 22 manufactured plates. They're going to be 8 by 20, 10 23 by 40s. If there was a repair made in some way they 24 may have put a plate that's 2 feet by 2 feet. So, I 25 mean, there's really no way to quantify that.</p>	<p style="text-align: right;">Page 168</p> <p>1 has three buttons on it basically, and the 2 manufacturers sent me a document to read on the 3 fundamentals of audio gauging and so on. I read that. 4 I called them back -- and this was all done remotely. 5 Called them back and they said -- they asked a few 6 questions that related to things in the document to 7 prove that I'd actually read it, and then they had me 8 do a couple of sample gauge readings, and that was 9 pretty much the extent of it.</p> <p>10 Q. Okay. And so that training is in the operation of the 11 device itself in an effective and correct way, but it 12 doesn't include any training to act in fulfillment of 13 the ABS's duties? You would rely on the ABS person to 14 do that job; is that right?</p> <p>15 A. I'm not sure I understand your question.</p> <p>16 Q. Well, in other words, this is simply a certification 17 for how to use a unique ultrasonic device, not how to 18 perform the duties of an ABS surveyor in conducting a 19 five-year survey?</p> <p>20 A. Well, as I said earlier, the rules have changed. 21 Years ago you had to have an ABS certification 22 directly from ABS, you know. It was very expensive to 23 get. A lot of the shipyards complained because they 24 had paid out to get a shipyard worker trained, and 25 these people are not technical, you know, people that</p>
<p style="text-align: right;">Page 167</p> <p>1 Q. All right. Okay. In the documents that you were able 2 to provide through counsel there was a document in 3 there looks like a nondestructive testing personal 4 certification. Looks like you are certified to do 5 the -- to use this particular piece of equipment for 6 doing gaugings. Do you recall that?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. And I'm not going to call it up, it's not that 9 critical, but I want to understand what the nature of 10 the training is. This certificate, this is at your 11 production page 723. I can't read the gentleman's 12 signature. Looks like a J. Maybe the last name is 13 Gee or Lee, and it's dated January 9th of 2013. It 14 says there were two hours of training. How does that 15 training take place, Mr. Busch? What did you do to 16 train for the use of that device?</p> <p>17 A. Well, it's (inaudible) --</p> <p>18 COURT REPORTER: I'm sorry, I can't 19 understand you, sir.</p> <p>20 THE WITNESS: I'm sorry. Yeah, I'm getting 21 tired. I tend to lean back.</p> <p>22 COURT REPORTER: Yeah, I know.</p> <p>23 THE WITNESS: I'll try to avoid that.</p> <p>24 There's (inaudible) by the manufacturer of the audio 25 gauge. It's an extremely simple device to use and it</p>	<p style="text-align: right;">Page 169</p> <p>1 would do this usually, and a person would quit and 2 then they got to do it all over again, so ABS dropped 3 their direct certification, and then, I don't know, 4 two or three years ago they reinstated all that and 5 you had to have special ABS certification.</p> <p>6 Q. And you haven't received that certification from the 7 ABS?</p> <p>8 A. No, I don't -- I'm not interested because I'm out of 9 that field, you know, so...</p> <p>10 Q. I understand. And the fact that you at least as of 11 this date in 2013 were recertified, does that have an 12 expiration time, was that going to last for a year or 13 two years, this certificate of being able to do the 14 nondestructive ultrasonic testing with this device?</p> <p>15 A. I don't recall if it did. I don't think it did. It 16 was basically, you know, I think for the life of the 17 instrument. You know, if you had to buy a new 18 instrument you had to be recertified with that 19 particular instrument.</p> <p>20 Q. And just so I want to be sure I heard your earlier 21 testimony correctly, you've done the ultrasonic 22 testing on this occasion as you've described it on 23 this barge in 2013 and just a couple other times on 24 your own vessel; is that right?</p> <p>25 A. Well, I used the instrument all the time. It's at the</p>

Gregory Busch
August 24, 2021

<p style="text-align: right;">Page 170</p> <p>1 machine shop. We use it for measuring things at the</p> <p>2 shop. When I was hoping to purchase another vessel I</p> <p>3 gauged all of those myself, because I -- you know,</p> <p>4 when I propose to buy a vessel, I mean, I won't buy a</p> <p>5 vessel unless I gauge it or hire, you know, a -- I was</p> <p>6 extremely surprised the CRF didn't show up with a</p> <p>7 professional surveyor or somebody to auto-gauge the</p> <p>8 barge before they agreed to buy it, but they didn't.</p> <p>9 Q. So your use of the ABS prevented the -- the ultrasonic</p> <p>10 device is when you've done some shopping for vessels</p> <p>11 yourself as a prudent buyer; is that right?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. And then on some other occasions -- forget the</p> <p>14 machine shop work, let's just focus on your vessels,</p> <p>15 and you've done it, you've have checked the gaugings</p> <p>16 on your own vessels as well a couple of times; is that</p> <p>17 right?</p> <p>18 A. Well, more than a couple times. I've done the tug I</p> <p>19 think for two five-year cycles.</p> <p>20 Q. Okay.</p> <p>21 A. We don't routinely just, you know, gauge our barges or</p> <p>22 something. You know, it's not a -- we only done it</p> <p>23 when it's required.</p> <p>24 Q. Oh, I understand. Yeah, you would have done them in</p> <p>25 the association with the five-year period of load line</p>	<p style="text-align: right;">Page 172</p> <p>1 billings attempting to collect storage or other fees</p> <p>2 or charges relative to their holding of the barge?</p> <p>3 A. No. Absolutely nothing.</p> <p>4 Q. Have they threatened litigation?</p> <p>5 A. No.</p> <p>6 Q. Have they telephoned you to say when are you going to</p> <p>7 pay us for this storage?</p> <p>8 A. No, I wanted to do something at this point</p> <p>9 (inaudible.)</p> <p>10 Q. I missed that, Mr. Busch. I'm sorry.</p> <p>11 A. I said my assumption (inaudible).</p> <p>12 COURT REPORTER: I still didn't catch it.</p> <p>13 I still didn't hear what he said.</p> <p>14 THE WITNESS: Oh. I said my assumption is</p> <p>15 that -- in answer to his question was that all of that</p> <p>16 is going to be in our pleadings, CRF.</p> <p>17 BY MR. CULLINAN:</p> <p>18 Q. And you haven't reached out to Basic Marine to inquire</p> <p>19 about the status either, have you?</p> <p>20 A. No. I tried to go up there but they refused. I was</p> <p>21 refused entry to the property, so...</p> <p>22 Q. Why?</p> <p>23 A. Well, you'd have to know the Nick Kobasick (phonetic),</p> <p>24 the Basic Marine people. They're kind of difficult to</p> <p>25 deal with. And I had rented their dry dock in '89,</p>
<p style="text-align: right;">Page 171</p> <p>1 survey, right?</p> <p>2 A. That's correct.</p> <p>3 Q. Got you. You've never performed the ultrasound --</p> <p>4 ultrasonic testing as sort of a third-party service, a</p> <p>5 contract hire for the ABS on other vessels or at the</p> <p>6 request of other vessel owners, have you?</p> <p>7 A. I have done some other vessels, but not for ABS.</p> <p>8 Q. Okay. Who have you done them for?</p> <p>9 A. Oh, I did one here last -- it was February. It was an</p> <p>10 aluminum dye boat, and the insurance company wanted</p> <p>11 gaugings on it for some reason, and the aluminum in</p> <p>12 the Great Lakes usually, you know, doesn't grow it,</p> <p>13 but I went up and I gauged that boat.</p> <p>14 Q. Okay.</p> <p>15 COURT REPORTER: I'm sorry, you gauged</p> <p>16 what, sir? Dibble?</p> <p>17 THE WITNESS: Yeah, I guaged, yeah, a boat</p> <p>18 for an owner.</p> <p>19 BY MR. CULLINAN:</p> <p>20 Q. Let's talk about Basic Marine or North Shore, however</p> <p>21 you care to describe them. Have they communicated</p> <p>22 with you at all since June of 2019 as to the status of</p> <p>23 the barge?</p> <p>24 A. No.</p> <p>25 Q. Have they sent you any mail, mailing or invoice or</p>	<p style="text-align: right;">Page 173</p> <p>1 '90 to dry dock my tug, and that was with Dan Kobasick</p> <p>2 and that was a very difficult experience, and the -- I</p> <p>3 won't go into details on that, and I swore I'd never</p> <p>4 go back there again. Dan died, and then Nick, which I</p> <p>5 think is his nephew or something, took the company</p> <p>6 over, and I actually -- I thought well, I'll give</p> <p>7 maybe this guy's all right. I had my tug on their dry</p> <p>8 dock in 2018 and I had issues with that, and so, you</p> <p>9 know, we just don't have a lot a good relationship at</p> <p>10 all at this point.</p> <p>11 Q. All right. The litigation that you had against Sun</p> <p>12 Machinery, can you tell me or recall which court that</p> <p>13 was in? Was that in a state court here in Michigan?</p> <p>14 A. You know, it was in Saginaw, Michigan, and I don't</p> <p>15 know if that's what you'd call a court district or</p> <p>16 something there or...</p> <p>17 Q. And did you sue Sun Machinery or Mr. Iorio, or both?</p> <p>18 A. I don't know. I know it was Sun Machinery. I'm not</p> <p>19 sure if Tony was included.</p> <p>20 Q. Okay. In some of the records you provided through</p> <p>21 counsel, Mr. Busch, there were some descriptions of</p> <p>22 work that had been done on the barge, and I'm going to</p> <p>23 paraphrase at least what I thought I read that there</p> <p>24 was some strapping added to the top deck. Can you</p> <p>25 explain to me what the purpose of that work was, that</p>

Gregory Busch
August 24, 2021

<p style="text-align: right;">Page 174</p> <p>1 additional strapping to this particular barge?</p> <p>2 A. Yes. When I put the notches on the back of the barge,</p> <p>3 which really facilitated pushing and handling of the</p> <p>4 barge, it had lengthened the barge, and I -- there's a</p> <p>5 holger formula that ABS uses, and it's calculation</p> <p>6 moment of inertia in a hull during strain, and when</p> <p>7 you lengthen the vessel you have to add the</p> <p>8 longitudinal strength of the vessel, and those straps</p> <p>9 were put on there to increase the bar strength.</p> <p>10 Q. Do those straps go across deck? Give me a sense of</p> <p>11 how they're physically located and provide the</p> <p>12 supporting structure for the barge.</p> <p>13 A. Well, they're -- they're lengthwise, they are about 5</p> <p>14 inches in from the side shell. They're roughly</p> <p>15 18 inches wide, about an inch and a quarter thick, and</p> <p>16 they run for about 120 feet in length. They're a</p> <p>17 little more than that. So they run from the end of</p> <p>18 forward to -- they're almost 250 long and there's one</p> <p>19 on each side.</p> <p>20 Q. Okay. That's really deck top. That's not on the</p> <p>21 sides and that's not on the hull bottom?</p> <p>22 A. It's on the top of the cab. You're allowed about</p> <p>23 three-quarters (inaudible).</p> <p>24 COURT REPORTER: I'm sorry, I want to make</p> <p>25 sure I'm hearing this right. You said it's not on the</p>	<p style="text-align: right;">Page 176</p> <p>1 location of the information for posting and</p> <p>2 advertising the barge as opposed to a broader market?</p> <p>3 A. That's my understanding is the website.</p> <p>4 Q. In response to Sun Machinery's efforts how many</p> <p>5 companies went out to get a look at the barge?</p> <p>6 A. Well, there were two inquiries in a very short period</p> <p>7 of time and CRF is the only one that actually came and</p> <p>8 looked at it. The other company said the barge was</p> <p>9 too big for what they wanted and so they -- we didn't</p> <p>10 consider them a serious inquiry.</p> <p>11 Q. Okay. So that I understand then, CRF is the only</p> <p>12 entity that came out and actually looked at the barge</p> <p>13 in response to Sun Machinery's advertisement as you</p> <p>14 understand it?</p> <p>15 A. That's correct.</p> <p>16 Q. And there was some discussion earlier about Great</p> <p>17 Lakes Towing coming out and giving it a look the prior</p> <p>18 fall. That was not in relation to the ad or</p> <p>19 advertising being posted by Sun, but more of a random</p> <p>20 opportunity by another Great Lakes entity to give it a</p> <p>21 look?</p> <p>22 A. That is correct.</p> <p>23 Q. Okay. In the three years prior -- four years prior</p> <p>24 have you ever had another entity to come out to look</p> <p>25 at this barge as a potential purchaser?</p>
<p style="text-align: right;">Page 175</p> <p>1 top, it's about --</p> <p>2 THE WITNESS: Yes. The first straps</p> <p>3 involved are on the deck. There's another set of</p> <p>4 strands, they're about 8 or 10 inches roll the decking</p> <p>5 edge on the sides, and those are three-quarters inches</p> <p>6 thick and I think 10 inches or 12 inches wide.</p> <p>7 Q. Okay. When you engaged Sun Machinery to help market</p> <p>8 and sell the barge, did you provide them with a</p> <p>9 description much the way we might when we're selling a</p> <p>10 used car, provide a description of the barge's age,</p> <p>11 its dimensions, its characteristics, did you provide</p> <p>12 Mr. Iorio --</p> <p>13 A. Yeah, you know, they didn't ask for was -- I mean, it</p> <p>14 was the length, width, the depth. That it was ABS</p> <p>15 load lined. I think the age. That it was on the</p> <p>16 Great Lakes, and that was about the extent of it.</p> <p>17 Q. Did you ever see the ad or listing or classified ad he</p> <p>18 ran to sell the barge?</p> <p>19 A. No, I never -- never really looked for it.</p> <p>20 Q. Did you have a sense or understanding of how many</p> <p>21 different commercial outlets he was going to list the</p> <p>22 barge as for sale?</p> <p>23 A. No. No. As far as I know it's his website.</p> <p>24 Q. So that I understand your answer, as far as you know</p> <p>25 the Sun Machinery website itself was going to be the</p>	<p style="text-align: right;">Page 177</p> <p>1 A. Not in that time period.</p> <p>2 Q. Had anybody come out to look at the barge as a</p> <p>3 potential purchaser any time in the prior ten years,</p> <p>4 if you know?</p> <p>5 A. No. The inquiries that I mentioned earlier were about</p> <p>6 2000 or late '90s.</p> <p>7 Q. And you don't recall if they came out and actually</p> <p>8 looked at the barge and surveyed it?</p> <p>9 A. Well, they -- I think in the Lake Michigan car ferry</p> <p>10 people did a little more due diligence. The other</p> <p>11 company was a trucking company that we hauled stone</p> <p>12 for, and the owner came down and he looked at the</p> <p>13 barge from the dock. We didn't go through and do a</p> <p>14 survey or anything, and so in '81 -- and I wasn't</p> <p>15 interested in selling until, you know, early 2019, so</p> <p>16 I really didn't pursue any of these seriously.</p> <p>17 MR. LIDDANE: Okay. Mr. Busch, that's all</p> <p>18 I have. Thank you for your time this afternoon.</p> <p>19 THE WITNESS: Thank you.</p> <p>20 MR. CULLINAN: I don't have anything more.</p> <p>21 MR. BLEVINS: Nothing from me, so...</p> <p>22 MR. CULLINAN: Kathryn, I'll please order</p> <p>23 transcript. E-tran is fine.</p> <p>24 COURT REPORTER: Okay. Mr. Blevins, did</p> <p>25 you want a copy?</p>

Gregory Busch
August 24, 2021

<div>Page 178</div> <div>1MR. BLEVINS: Yes, the same for me. Do you</div> <div>2have my contact information?</div> <div>3COURT REPORTER: I believe so. Yep. Yep.</div> <div>4MR. LIDDANE: I'll take a copy as well,</div> <div>5Kathryn, same thing.</div> <div>6COURT REPORTER: Very good. Thank you.</div> <div>7(Deposition concluded at 6:05 p.m.</div> <div>8Signature of the witness was requested.)</div> <div>9</div> <div>10</div> <div>11</div> <div>12</div> <div>13</div> <div>14</div> <div>15</div> <div>16</div> <div>17</div> <div>18</div> <div>19</div> <div>20</div> <div>21</div> <div>22</div> <div>23</div> <div>24</div> <div>25</div>	<div>Page 180</div> <div>1I, having read the foregoing deposition</div> <div>2consisting of my testimony at the aforementioned time</div> <div>3and place, do hereby attest to the correctness and</div> <div>4truthfulness of the transcript.</div> <div>5</div> <div>6</div> <div>7</div> <div>8GREGORY J. BUSCH</div> <div>9Dated:</div> <div>10</div> <div>11</div> <div>12</div> <div>13</div> <div>14</div> <div>15</div> <div>16</div> <div>17</div> <div>18</div> <div>19</div> <div>20</div> <div>21</div> <div>22</div> <div>23</div> <div>24</div> <div>25</div>
<div>Page 179</div> <div>1BUSCH MARINE GROUP, INC.,</div> <div>2A Michigan Corporation,</div> <div>3Plaintiff,</div> <div>4andCase No. 1:20-cv-11427-LVP-PTM</div> <div>5Hon. Linda V. Parker</div> <div>6GREGORY J. BUSCH, Mag. Patricia T. Morris</div> <div>7A Michigan resident,</div> <div>8Plaintiffs/</div> <div>9Counter-Defendants,</div> <div>10</div> <div>11vs.</div> <div>12</div> <div>13CALUMET RIVER FLEETING, INC.,</div> <div>14A Wisconsin Corporation,</div> <div>15Defendant/</div> <div>16Counter-Plaintiff,</div> <div>17and</div> <div>18</div> <div>19Great American INSURANCE COMPANY,</div> <div>20an Ohio Corporation,</div> <div>21Defendant.</div> <div>22</div> <div>23</div> <div>24VERIFICATION OF DEPONENT</div> <div>25</div>	<div>Page 181</div> <div>1ERRATA SHEET</div> <div>2PAGE LINE READPAGE LINE SHOULD READ</div> <div>3</div> <div>4</div> <div>5</div> <div>6</div> <div>7</div> <div>8</div> <div>9</div> <div>10</div> <div>11</div> <div>12</div> <div>13</div> <div>14</div> <div>15</div> <div>16</div> <div>17</div> <div>18</div> <div>19</div> <div>20</div> <div>21</div> <div>22</div> <div>23</div> <div>24</div> <div>25</div>

Gregory Busch
August 24, 2021

Page 182

1 CERTIFICATE OF NOTARY

2 STATE OF MICHIGAN)

3) SS

4 COUNTY OF OAKLAND)

5

6 I, KATHRYN M. STANDAL, certify that this
7 deposition was taken before me on the date
8 hereinbefore set forth; that the foregoing questions
9 and answers were recorded by me stenographically and
10 reduced to computer transcription; that this is a
11 true, full and correct transcript of my stenographic
12 notes so taken; and that I am not related to, nor of
13 counsel to, either party nor interested in the event
14 of this cause.

15

16

17

18

19

20



21

22 KATHRYN M. STANDAL, CSR-2966

23 Notary Public,

24 Oakland County, Michigan.

25 My Commission expires: February 25, 2026

Gregory Busch
August 24, 2021

\$	120 174:16	1995 24:10	2013 16:13,14,16 37:8 38:6 47:3 48:11 49:1,8 50:10 52:25 54:4 55:16 56:5, 12,16 67:16 88:13 89:1 91:17 163:9 165:16 167:13 169:11,23
\$25,000 112:20 155:10	12th 155:25 157:1	1:03 5:3	
\$50,000 110:24 154:19 155:6	13 118:8 119:13 161:3,10	1s 65:18	
-	13th 161:7	1st 125:17	
--utilize 15:18	14 33:6,16 35:9 112:11 122:8	2	
1	143 12:20	2 35:24 58:14, 17,20,25 59:2,5,8 60:21 63:18, 19,25 64:6, 10,12 93:2 94:7 97:8 117:10 123:22 166:24	2014 16:18,20 18:3,22 19:12,14,18, 19 20:5,6,7, 8,15,20
1 56:4 61:14, 15 67:4,5 93:2 117:8 123:23	15 16:18,20 109:3 147:7 149:10	20 16:4,5 82:14,21,25 133:12 166:22	2015 19:20
1(c) 112:19	150-gross 40:6	200 31:22 125:21	2016 16:18 17:24 18:17,20 160:22
1,000-foot 38:12	15th 108:15 109:23	2000 16:7 20:5,8 34:24 35:20 46:3,9 56:19 177:6	2017 18:24 160:23
1/2 36:7	16 36:5 124:1	2001 36:1	2018 21:6,7 23:6 43:8 70:8 71:7 86:25 89:17,21 90:1 123:3 145:14 160:25 161:4 173:8
1/4 36:8	18 55:16 56:5, 12 67:16 97:6,12 98:14 174:15	2004 32:23 36:20	2019 11:3 14:21 23:9 25:14 26:16 27:8, 16 28:5 31:17 32:2 33:5 68:6 75:9 76:7 82:12 89:6, 10 94:13 97:6,12 98:14,23
10 164:4 166:22 175:4,6	19 9:7 23:10	2007 13:7,8,9	
10,000 77:7	1974 9:7	2008 13:7,9	
100 48:5 54:16 93:15	1977 13:6 50:3	2009 102:20	
12 12:21 49:23 122:24 146:3 156:5 175:6	1984 10:10 23:18 75:12	2011 49:23	
12'6" 31:23	1985 42:25 43:3, 4,19		
12-inch 36:9	1987 35:4		
	1990 71:7		

Gregory Busch
August 24, 2021

99:3,24 101:19 103:17 104:5 105:12 106:17 108:15 109:3 111:14 114:10,14,15 116:9,12,23 117:8 118:8 119:13 120:1,5 125:17 148:22 149:10 151:8,13 152:9 154:18 156:5 158:8, 17 159:19 160:21 161:7,10 171:22 177:15	250 31:18,21,22 34:22 166:14 174:18 252 28:13 253 26:15 28:13 266 155:24 268 155:24 27 12:20 27th 156:2 2:15 51:25 2:25 52:1 2s 65:18	3:38 99:19 3:50 108:12 3s 65:18 <hr/> 4 <hr/> 4 25:15 35:24 36:8 37:10 61:14,16 67:4,5 101:7 143:21 40s 166:23 42 12:21 126:19 44 149:6 150:17 48623 8:22 49'11" 34:24 4:03 108:13 4:57 142:24 4:58 142:25 143:5 4s 65:19 4th 24:25 27:19 102:7 132:18 134:6 <hr/> 5 <hr/> 5 120:23 144:17 145:16 164:4 174:13 5(a)	120:7 121:4 5,000 77:8,9 5/16 36:6 5/8 36:5 50 31:18,23 50-foot 33:12 50-foot-long 33:9,11 5:01 143:6 5:34 162:4 5:40 162:5 <hr/> 6 <hr/> 6 36:7 126:6 134:22 6- 132:19 133:1 60 22:17 6:05 178:7 <hr/> 7 <hr/> 7 98:23 99:3, 24 102:20 103:17 104:5 105:11 106:17 120:5 122:8 129:14 134:3,23 151:8,13 152:9 7-foot 132:19 133:1
2021 5:2 21.E 26:6 226 58:13 63:16 23 19:9 91:12 231 151:6,7 232 154:22 24 5:2 26:16 27:7,16 28:5 94:13 101:19 149:5 150:17 240 34:23 151:6, 7 24th 25:14 104:9 25 12:23 73:7 133:12	<hr/> 3 <hr/> 3 35:24 36:7,8 37:10 61:14, 15,17 67:4, 5,9 93:2 98:21 3-7-52 8:20 3/4 36:5 3/8 36:7 37:14 30 38:15 73:7 82:14,21 83:1 31 111:14 35 130:10 375 65:25 66:3	<hr/> 4 <hr/> 4 25:15 35:24 36:8 37:10 61:14,16 67:4,5 101:7 143:21 40s 166:23 42 12:21 126:19 44 149:6 150:17 48623 8:22 49'11" 34:24 4:03 108:13 4:57 142:24 4:58 142:25 143:5 4s 65:19 4th 24:25 27:19 102:7 132:18 134:6 <hr/> 5 <hr/> 5 120:23 144:17 145:16 164:4 174:13 5(a)	<hr/> 6 <hr/> 6 36:7 126:6 134:22 6- 132:19 133:1 60 22:17 6:05 178:7 <hr/> 7 <hr/> 7 98:23 99:3, 24 102:20 103:17 104:5 105:11 106:17 120:5 122:8 129:14 134:3,23 151:8,13 152:9 7-foot 132:19 133:1

Gregory Busch
August 24, 2021

134:3	172:25	68:1 88:18	act
70		89:25	168:12
22:18 166:14	9	119:22,24,25	acting
7049		122:2,3,23,	73:12,15
8:22	9	24 138:13	77:3
70s	132:5	146:5,6	actual
9:7	90	163:11 164:7	165:9
723	173:1	166:2	ad
167:11	90s	168:13,18,	15:17 175:17
7251	177:6	21,22 169:2,	176:18
9:23	99	5,7 170:9	add
78	88:11	171:5,7	33:16 174:7
135:17,19	9th	174:5 175:14	added
137:3	167:13	ABS's	35:14,16
79		168:13	93:20 173:24
137:2 139:6	A	absolutely	addendum
7th		48:10 51:17	93:19,20
103:17	A36	67:18 79:18	151:14
154:12 155:4	39:10	80:11,15	addition
	abilities	120:24 172:3	49:2,9
8	135:24	abstract	additional
	136:2,25	24:13	36:11 164:25
8	137:18	acceptable	174:1
13:3 19:9,11	ability	164:12	address
129:14	139:24	accepted	8:21,23 9:22
154:17	able	25:11,13,15,	78:22
166:22 175:4	62:11 128:24	16 27:15	addressed
80	140:5 167:1	106:11	29:10,18
141:2	169:13	accepting	administered
80s	above	124:22	5:10
15:8	136:21 140:2	accident	administratio
81	143:14	163:2	n
140:14	ABS	accommodate	128:21
177:14	34:12,13	8:15 113:18	admission
82	35:13 37:21	accurate	90:25
136:20 140:1	38:25 40:15,	53:21 54:16	admit
85	16 42:1	84:12 115:21	91:3,12
23:18 75:12	43:24 44:13,	138:19	advance
86	14,16 45:16,	accurately	160:7
35:4	25 46:17,19	91:18	advertise
87	47:6,8,15	acknowledge	20:11 21:20
35:5	48:4,6,20,	5:6,9	advertisement
88	22,23 49:10,	across	176:13
35:5	12 50:20,24	21:23 29:16	advertising
89	53:11 54:2	33:19,20,22	21:18 176:2,
12:22 40:6	56:25 57:5	38:11 47:22,	19
	67:11,12	23 174:10	

Gregory Busch
August 24, 2021

advised 69:4 156:6, 24 157:10 159:10	16 97:7,13 110:14,18 111:24 112:16 113:1 114:1 117:11 121:25 123:4 124:21 139:21 144:20	allowing 44:17 Alternatively 43:19 aluminum 171:10,11 ambiguous 120:16 121:9 American 5:21 38:12, 13 39:22 40:16 56:12 144:1,2,6 159:1,2,10, 13,19 160:9, 17 amount 33:18 52:20 54:21 90:13 110:24 amounts 54:22 ample 139:22 anchor 75:15,21 anchored 19:6 75:12 and-a-half 82:15 85:18 128:23 129:23 and/or 81:1 138:15 angle 35:9 36:7 angles 36:8 annual 40:23 41:1, 6,11,19,24 146:20,23 147:5 annually 41:1 answer 8:10,11,17	19:17 29:3,4 31:14 48:18 55:4 62:9,18 91:18,20 92:15,19 95:4,5,15,25 96:2,21 103:1,3,12, 23,25 105:18 106:24 107:9 115:13,14 117:5,6,23 131:3,7 136:11 137:7 142:8 143:20 144:17,21 145:1,16 146:3,6 148:2 149:19 172:15 175:24 answered 19:16 55:3 92:5,9 96:15 130:14 answering 7:25 8:3 answers 7:14,20 141:24 142:3 143:3,14,15, 18 antenna 132:9 Anthony 94:10 anybody 29:11 69:11 70:1 72:2 75:24 84:21 96:8 110:15 128:9 144:16 177:2 anymore 46:24 135:4 157:24 anyone 8:23 23:16,
advising 156:1,14 afraid 26:22 110:10 aft 33:12,19 35:15,16 42:14 47:18 53:2 58:14, 25 59:2,8 60:21 63:18, 25 64:10 90:9,10 163:23 afternoon 6:13 177:18 age 138:4,8,17, 24 175:10,15 agency 105:8 ago 11:23 73:7,8 132:1 168:21 169:4 agree 66:25 86:5 101:13 106:14 114:2 115:24 125:11 136:18 153:13 agreed 5:17,19,21, 22 85:10,12 97:6 124:8 153:12 170:8 agreeing 138:22 agreement 5:15,16 22:23 77:6,	agrees 149:25 aground 137:9 ahead 8:11 19:17 25:22 29:3 92:7,19 95:4,15,24 96:17,18 97:21 99:8 100:15 102:5,25 104:23 106:23,24 114:6 124:20 149:2 153:1 157:19 ahold 72:22 AIS 130:24 131:6,13 132:10 allegation 136:1 alleges 136:21 alleging 140:3 145:22 allow 8:10 allowable 52:14 allowed 51:3 52:16 113:15 119:6 138:2 174:22		

Gregory Busch
August 24, 2021

21 50:15 51:9 69:13, 20,22 72:7 75:10 76:4 82:8 109:4 111:3 120:4, 5 126:8 127:11,23 133:19 134:8 144:8,14 apart 138:10 apologize 18:20 apparently 81:5 91:21 appeared 110:21 129:9 applicable 6:25 124:5 applies 44:14 apply 124:11 136:15 appointment 98:4 appreciate 98:12 161:15 approve 44:17 approved 53:13 approximately 54:22 89:8 Apri 32:1 April 31:17 33:4 81:12 82:11, 12 89:6,10 94:13 architect 73:24 74:3, 11,12 Architects 148:21 149:9	architecture 74:15 area 10:22 54:9 104:20 126:5 152:4 164:23 165:1 166:14 areas 42:9,10 47:18 48:6,9 52:24 53:4 54:1,5,11, 12,14 57:9 66:4,6,9,10, 12 141:10 arising 124:2 around 13:7,10 24:10 35:4 46:3 47:21 49:23 81:12 85:20 155:25 158:11 arrangement 5:13 arrangements 85:5 arriving 158:20 Aruba 72:18 ascertain 42:3 asked 14:23 30:23 54:3 72:14, 18 77:19 78:6 80:10 83:3 87:11 88:5,9,11 91:3,12 92:4,9 96:14 121:13,14,16 134:17 143:21 155:8 160:5 166:7 168:5	asking 7:5 30:7 31:13 80:12 92:8 96:10, 17 97:18 99:14 100:13 115:18 154:15 asks 144:18 146:3 147:7 aspect 49:1 aspects 10:11,12 15:21 48:17 asserted 147:10 asset 22:9 assignee 122:10 assist 126:8 assistant 127:13 association 170:25 assume 8:11 39:10 61:6 83:11 133:15 assumed 100:6 assumption 83:20 85:22 172:11,14 attempt 69:11 attempted 24:21 attempting 147:20 172:1 attention 131:19 attorney 28:2 40:2	attorneys 5:5 6:14 7:4 audio 41:14 45:6, 7,8,16 46:13,18 47:1,2,25 49:5,8 52:3 53:24 60:9 68:1 87:16 88:1,13,25 147:1 148:20,23 166:2 167:24 168:3 August 5:2 159:19 authority 39:21 authorization 156:8 157:7, 11 authorized 156:7 157:10 auto 158:10 auto-gauge 170:7 automatic 131:8 132:3 available 20:11,16,18 21:5 77:20 156:2,12 avoid 167:23 aware 52:20 144:13,16 158:18 159:4 <hr/> B <hr/> B-U-S-C-H 6:21 bachelor 9:1,3
---	--	---	---

Gregory Busch
August 24, 2021

back	112:2,16	93:7 97:23	151:11,20
15:8 17:4	113:5	98:7,8,13	152:8,14,15,
19:23 22:11	barge	101:20	19 153:2,7,
23:18 24:9	12:9,24,25	106:15	11,15,19,24
29:22 37:4	13:24,25	108:23	154:5,13
42:2,24	14:5 15:1	109:12	155:11
49:20 50:23,	16:8 17:1,	111:15,18	156:7,25
25 51:3 52:1	13,19,25	112:20,21,23	157:11,14,
53:13 70:3	19:5,21	113:16,21,25	22,24 158:2,
72:4,21 73:3	20:11,19	114:16,18,23	9,14,17
75:12,16	21:5,12	115:2,4,9,	160:1,22,23
89:16 98:9,	22:5,18,22	16,22 116:1,	161:9 165:16
17,18 99:14	23:1,5,8,17,	5,6,11,15,	166:9,16
101:25 106:9	19,24 24:9,	22,23 117:4,	169:23 170:8
107:19,25	11 30:4	7,10,11,18	171:23 172:2
108:13	31:18 32:1,	118:3,7,24	173:22
112:11	4,10,11,13,	119:14,20,25	174:1,2,4,12
119:21	16,18,19,24,	120:5,9	175:8,18,22
125:13 131:4	25 33:16	121:7,22,25	176:2,5,8,
135:3 142:25	34:5,6,17,	122:25	12,25 177:2,
143:6 149:6	21,25 35:1,	123:12,14	8,13
160:13	6,12,15,22	124:14,15,	barge's
162:5,7	36:21 38:4,	22,24 125:5,	135:24
167:21	7,14,18 39:4	15 126:9,12,	136:1,24
168:4,5	40:5 42:1,9,	14,16,19,22,	137:18
173:4 174:2	14 43:15	24 127:1,2,	139:7,10
background	44:4 47:25	7,10,12,14,	140:9 141:4
8:25 74:19	48:6 54:23	24 128:11,	145:2 175:10
backwards	56:4,7 57:10	16,18 129:3	barges
112:14	59:11,14,17	130:20,23	10:1,4 12:10
bad	67:22 68:22	132:16,24	13:2,11 14:2
51:5 98:2	69:2,5,9,14,	133:21,25	15:3,7,9,12,
132:8,11,13,	16,18,20,22	134:1,11,15,	16 22:3,10
16,24 158:3	70:2,5,13,17	18,21,25	32:20 49:25
164:13,22	71:15 72:4,	135:2,5,23	71:21 73:10
Ball	9,23 73:2	136:9,13,23	86:10,21
38:10	75:9,12,14,	137:8,17,21,	125:9
banging	18,19 76:11,	25 138:2,4,	136:14,15
126:23	12 77:9,24	7,11,16,18,	170:21
bank	81:1,6	24 139:7,18,	barnacles
87:4 127:3,6	82:15,18,24	23,25 140:4,	159:25
bar	83:1,2,7,8,	15,22,25	barrel
174:9	10,15,18,24	141:3	166:15
Barbara	84:1,5,7,16	143:22,23,24	base
12:21 13:8	85:2,6,13,16	144:8,9,19,	128:4
bareboat	86:2,17,23	22 145:12,17	based
17:5,9	87:3 89:13	146:5,7	104:17
111:14,21	90:16 91:14,	147:9,12	112:15
	16 92:24	148:22	

Gregory Busch
August 24, 2021

115:6,18 117:2 136:16 138:16 Basic 116:17 156:1,14,19, 24 158:3 159:7 171:20 172:18,24 basically 16:11 28:1 34:6 42:10 44:22 47:14 48:21 53:8 81:25 143:24 153:3 168:1 169:16 basis 136:22 149:17,20 Bate 63:16 93:2 Bates 26:22 56:3 112:9 bathroom 162:2 bathymetric 10:14,17 bay 18:24 19:6 34:20 38:9 75:13 126:23 130:9 133:15 137:9 160:24 bear 16:9 112:11 141:15 150:24 beginning 93:10 150:14 151:10 behalf 5:18 70:1 72:3,7 73:12,15 90:23 93:8	belief 143:16 believe 15:8 18:16 19:16 24:25 53:11 55:3 61:24 63:16 78:20 114:15 117:3 127:14 133:13 150:9 161:25 178:3 Belleville 70:4 below 94:23 belt 47:17,18,20, 23 61:17 64:22,24 65:3 163:23 belts 47:16 53:1 61:3,4 166:5 best 7:19,24 31:4 61:25 62:14 63:5 68:14 143:16 better 18:13,14,15 big 38:22 51:5 153:20 156:17 162:7 176:9 bigger 66:3 biggest 22:9 bilge 36:19 37:7 bill 101:10 104:12,24 105:2,9 106:3,6,8,16 108:1 153:11	156:17 billings 172:1 birth 8:19 bit 26:17 37:9 58:12 63:11, 12 70:3 73:24 83:6 85:9 86:4 126:18 150:24 160:13 bits 93:3 blends 164:2 Blevins 5:17 15:24 18:5,8,12,16 26:4,11,21 28:8,14,22 29:1,4 30:6, 16 31:7 51:12,15,23 55:20,22 61:21,23,24 62:8,21 63:4,10 66:20,24 78:11,13,14, 19 79:6,18 80:11 81:9 92:4,8,16,20 93:12 94:19, 24 95:2,5, 12,16,21,25 96:14,19 97:16 99:4 100:11,16 101:22 102:2,13,22 103:2,11,20 104:15,19 105:3,20 106:19 107:8,10	111:9 112:4 114:3 115:11,14 117:21 120:17,20 124:17 125:7 142:6,15 147:25 148:10,13, 14,18 149:21 150:11,16,18 152:10,20,24 153:8,25 154:8 157:2, 6,16 161:18 177:21,24 178:1 BMI 43:16 BMT4 13:1 BMT5 13:3 board 72:16 boat 129:2 141:8 171:10,13,17 boaters 129:6 boats 12:9 159:24 Bob 69:24 70:3, 13,16 71:6, 24 72:17,18 73:5 74:24 116:8 158:13,16 160:7,17 book 43:24 44:1 163:21 bottom 34:20 37:1, 12,24 38:1, 20,23 39:4, 13 47:22,25
--	--	---	--

U.S. Legal Support | www.uslegalsupport.com

Gregory Busch
August 24, 2021

115:9,22,25	care	certain	97:2,3 132:5
117:3,7,18	135:23	46:16 57:9	168:20
119:4,12	136:23	67:18 87:12	changes
120:1,4,12	137:17,23	88:10,11	34:14,15,18
121:24	171:21	91:3 94:15	36:2 145:10
124:15,21	cargo	95:9 119:18	changing
125:15 126:3	16:8,12,16	148:7 166:18	22:10
127:24	31:18 32:1,	certainly	channel
132:24	4,6,7,11,19	8:15 79:12	34:20 129:16
133:20,25	83:13,21	certificate	channels
134:14,18,20	86:17,21	39:14 40:19	36:10
135:18,22	carries	41:22 46:7,	characteristi
136:21,22	32:18	10 118:10,	cs
137:16	Carrolton	18,20,21	175:11
139:6,11,16,	82:7 112:23	119:2,5,9,	characterize
18 140:1,3,	151:21	13,14,20	17:7
10,11,14,16,	carrying	158:8 167:10	charged
19,22,24	10:13	169:13	55:2
141:3 144:1,	case	certificates	charges
13 147:12	7:22 10:9	161:2,8	158:5 172:2
151:5,10	26:19 27:25	certification	chart
152:3 155:10	30:2,4,11,	40:4,14,21	57:13,25
158:8 161:9	14,19,20	42:18 45:5	charter
Calumet's	56:2 62:2	46:4,13,14,	16:17,20
110:4 126:9,	80:21 104:2	15 49:25	17:5,23
17 130:23	110:21	52:16 118:4,	19:19 20:12
131:19	114:8,12,13	7 167:4	75:9 76:11
139:8,10	118:25	168:16,21	111:14,21
140:5 152:8	135:12	169:3,5,6	112:2,16,20,
camera	150:15 151:5	certification	22 113:6,25
5:25	158:1 164:21	s	117:11,12
canal	165:5	40:10	120:12
126:7,21	cashed	certified	155:11
capabilities	155:17	46:18 47:1	chartered
83:23	catch	167:4	19:14,21
capable	10:3 172:12	certify	20:1,4
83:15,18	caught	143:13	charterer
capacity	132:8	Chad	117:11
157:21	caused	128:11	118:25
capital	124:14 125:4	chance	120:9,10
22:19	caveat	120:18	121:7,8,11
capitalized	8:16	change	charterer's
151:20	center	16:11 34:9	112:24
captain	33:10 36:4,	124:13	122:12
127:25 128:5	22	changed	chartering
car	Central	16:5 43:17,	22:13
20:22 138:9	74:10 152:4	20 46:17	
175:10 177:9			

Gregory Busch
August 24, 2021

charters 19:20 20:3,9	click 62:23	43:16,19 50:23,25	compartment 33:8,11 67:9 123:22,24
charts 57:18	close 24:3,4 33:25	51:3 53:13 69:17,20,22	compartments 32:20 33:1, 2,4,9,11,12, 14 34:7
check 41:11 51:4 72:20 155:17	98:13 99:1, 22 106:17 152:8 154:12 155:4	72:3 76:19, 22 98:9 176:24 177:2	35:24 37:10 41:10,20 42:13 71:15 90:11 135:2
checked 56:20 170:15	closer 78:17	comes 12:4 50:20 130:9	compensated 77:5
checking 53:20 162:16	closing 93:19 97:5, 12 98:20	commenced 77:9	complained 168:23
Chicago 85:5	100:21,24 151:12,13	commensurate 135:23 136:24 137:18	complaint 135:12,16 144:21
chitchatted 82:23	coal 38:10	comment 80:14 98:8	complete 60:9 67:12, 13,14 88:20
circumstances 116:4 138:18	Coast 24:12,22 25:16 26:15 27:7,16,19 28:4,20 29:13 31:10 39:21 40:13 44:15 100:2 101:10,18 102:19 103:8,16 104:4,9,11, 13,17 105:1, 15 106:4,5, 12,16 119:24 147:17 148:8 153:10,14	comments 98:17	completed 108:1,2 112:22 125:1
City 38:9 133:15 137:9		commercial 131:13 175:21	complicated 22:9
Civil 6:25		common 86:20 136:5	comply 147:8,11,20 148:6
claim 132:25 134:7		communicate 110:13	concerned 8:4 113:24 141:2
claiming 134:4		communicated 76:15 171:21	concluded 178:7
claims 73:24 74:1 124:1		communication 76:24 127:23	conclusion 94:20 95:13, 22 97:17 99:5 100:17 102:14,23 104:15,19 106:20 114:4,22 115:3 116:13 124:18 137:21 138:16 148:1 152:11,21,24
clarification 30:17		communication s 111:3	
classified 175:17	CODS 158:10	companies 16:10 176:5	
Classing 43:25 44:1	cofferdam 33:12,19 37:5,6	company 9:19 13:17, 20 16:19,22 20:23 73:13, 16,17 76:20 149:7 156:21,22 158:25 159:20,24 171:10 173:5 176:8 177:11	
clause 120:13	coffered 33:9		
clean 106:15	collect 156:17 172:1		
clear 13:13 23:7 24:22 48:25 139:21 155:8 158:4	collection 28:3		
cleared 24:11,17 27:15	come 22:21 42:3		

Gregory Busch
August 24, 2021

conclusions 96:15 115:6 138:22,23 157:17	35:15	100:10 101:2	145:9,10
condition 52:15 71:22 83:1,3 85:3 115:10,23 116:1,22 117:4 119:6, 17 120:8,11 121:5,18 122:1,3,6 124:14 127:5 135:24 136:2,16 138:13 141:4 143:22 144:4,8,19 153:15 164:11	consent 5:13 consider 14:5 22:6 176:10 consistent 52:10 constituted 101:15 102:10 construct 39:3 construction 43:25 69:12 consultant 45:18 Consumers 38:11 contact 69:11 70:15 76:14 178:2 contacted 72:17 contained 25:1 57:13 63:23 143:15 contemplate 22:2 contemporaneo usly 57:22 contend 149:17 continue 32:25 103:18 128:24 130:4 142:20 continuously 129:19 contract 76:11 92:23 93:6,11,21, 24 94:15 95:10,17,20 96:13 97:15 99:1,21	106:18 108:2 111:21 113:6 121:10 124:2 147:9,11,21 171:5 contract's 139:20 contracts 96:21 contradiction 121:12 contrary 104:8 control 38:14 controversy 124:1 convenient 51:12,15 108:9 conversation 7:23 71:16, 19 79:8 82:25 84:23, 25 86:7 98:6 conversations 72:6 81:23 109:11 conversed 82:14 convert 32:13 converted 32:14,24 34:5 cooperated 147:16 copied 29:10 151:9 copies 87:21 107:23 copy 87:12,14,15 88:19,21 106:9 107:20 135:12	177:25 178:4 Corey 127:18 corner 129:16 130:15,16, 19,22 corners 86:4 Corp 94:7 corporation 9:14 11:5 correct 8:9 20:16 24:19,20 25:14 26:19 34:7 38:24 40:16,20 48:11 52:8, 12 57:10 59:1,8,20,24 60:2,6,14, 15,22 61:8 63:20,23 64:7,10,13, 17,20,23 65:8,12,13, 25 66:3,7, 10,17 67:16 88:18 89:6 90:25 91:25 92:3 93:25 94:17 95:11, 20 98:18,23 101:11,16, 17,21 102:11,16 104:5,7 111:19,22 113:2,10,13, 17,22 116:12 117:8,9,15 118:8 122:25 124:6,8 126:6 132:21,22

Gregory Busch
August 24, 2021

137:20 138:5	corrosion	97:24 98:4	156:16
139:1,5,8,9	48:7,20 54:2	99:14 103:13	158:24 170:6
140:12,13,	cost	108:8 117:25	172:16
17,19,22,23	85:7 120:10	118:11,15,	176:7,11
141:1,5,9,14	121:7	19,21 123:8	CRF14
142:4 143:15	counsel	125:24	112:10
144:3,4,10,	5:12 27:5	130:25 131:3	CRF4
23 145:19,20	30:24 31:13	148:12,17	112:9
146:1,2,7,8,	79:7,16,21	152:22	criteria
10,17,18,21,	81:2 105:24	155:14	52:23
22,24,25	161:22	163:18	critical
147:2,3,5,	165:16 167:2	165:23	167:9
18,24 148:4,	173:21	167:18,22	cross
8 151:25	counsel's	171:15	23:25
152:9,13	78:14,18	172:12	Cullinan
153:19,24	count	173:12,13,15	5:18 6:12,
154:3,13,19	135:17	174:24	14,22 7:2,3
155:6,12	counter	177:24	10:18 13:22
156:8,9	29:16	178:3,6	15:25 17:18
157:12,13,15	COUNTY	cover	18:18 25:12,
158:18	5:1	123:11	21 26:8,12
159:20,22	couple	covered	27:1 28:12,
160:8,22	7:10 46:23	80:5	18,24 29:2,9
161:12	72:22 89:11	cracks	30:7,9,21
162:13,18,	127:18	86:16,20,23	31:3,25
19,25 163:5,	155:19,23	crap	37:11 43:6
12 164:8,14	168:8 169:23	135:2	51:14,17,21,
165:3 168:11	170:16,18	creation	24 52:2
171:2	course	91:6	54:15 55:21,
176:15,22	26:23 41:8	credibility	24 62:7,17
correction	44:6,24 84:9	117:1	63:1,7,9,13,
163:4	131:16	credible	14 65:5
correctly	145:17	116:18	66:22 67:2
37:8 121:14,	146:10	crew	71:1 74:5
15 122:16	162:22	133:20	75:23 79:1,
164:19	court	CRF	12 80:4,17,
169:21	5:5,23 6:3,9	76:14 93:2	18 86:22
correspond	7:16 10:15	107:14,15,	92:6,11,13,
58:24 59:8	13:18 17:15	19,22 110:10	18,22 93:14,
correspondenc	18:6,10,14	135:22	16 94:21
e	24:15 25:6,	144:16	95:3,8,14,
77:23 87:21	19 31:20,24	145:19,21	18,23 96:3,
151:16	36:24 43:1,5	147:16	16,23 97:18,
160:13	54:12 61:22	149:5,6	20 98:11
corresponding	65:1 70:22	150:17 151:6	99:7,10,13
59:18 60:5	74:1 75:17	153:13	100:4,13,14,
corresponds	78:12,16	154:22	18 101:24
57:25	86:18 95:1	155:24	102:4,15,24

Gregory Busch
August 24, 2021

103:6,12,15, 22 104:16,22 105:4 106:22 107:16 108:10,14 112:6,7 114:5 115:17 117:23 118:2,13,23 120:19,24 121:3 123:13 124:19 125:10,25 131:10 142:10,17 143:1,7 148:2,3,19 150:3,13,17, 19 152:12,25 153:17 154:2,10 155:16 157:4,8,18 161:14 171:19 172:17 177:20,22 current 8:21 41:12 customers 15:23 16:9 20:24 cut 36:10 51:1 cutting 12:4 cycles 170:19	115:16 124:23 125:3 134:21,25 135:5 137:25 138:3,16,24 139:1 145:22,25 damaged 38:8 114:20 119:8,10,18 137:22 damages 42:4 Dan 173:1,4 date 8:19 19:18 20:6 24:25 27:20 46:12 55:17 67:16 76:22 82:11 93:19 97:6, 13 98:15,16, 18,20,23 100:21 101:3 102:7 104:8 105:15 111:13 149:10 151:12,13 169:11 dated 26:16 28:5 101:19 151:8 167:13 dates 72:12 100:24 Dating 42:24 Davis 159:20 day 12:15,16 50:20,21 58:8 72:2 149:10 days 18:24 131:24	137:12 160:24 161:3 deal 15:23 77:2 172:25 dealing 75:22 107:18 dealings 19:13 75:10, 25 76:3,10 deals 107:13 deceased 24:16 decide 21:4 decided 65:21 68:6 decision 22:1 60:17 deck 12:9,24 16:8 31:18 32:6, 8,13,24,25 34:5,6 35:24 36:4,6,9,10 47:21,23 85:11 86:15, 16,17,20,21, 23 123:21,22 128:13 173:24 174:10,20 175:3 decking 85:8 175:4 declare 5:11 decuble 152:3 deemed 48:7 deep 31:23 default 23:1 78:4 110:22	Defendants' 141:17 143:11 deficiencies 116:22 deficiency 8:10 definition 92:17 degree 9:2 74:15 130:10 degrees 9:6 delegate 119:24 delegated 39:21 delighted 78:21 deliver 107:3 delivered 28:21 29:19 101:8 125:19 delivery 84:16 122:15,20 125:14 127:2,7,24 128:22 demand 109:25 demand 110:3 demands 110:6 denied 91:18 159:17 Dennis 11:22 deny 91:3,12 depending 164:4 depends 48:3
D			
Dabil 70:12 damage 38:4,17 41:25 42:1 48:13,20,25 49:2,6,11			

Gregory Busch
August 24, 2021

deposit 78:2 81:5,10 109:17,19 110:4,25 154:19	determining 40:19	diligence 122:14,19 123:3 177:10	discuss 82:21 109:19
deposition 5:6,7,8 6:23 7:6 62:12 80:15 102:2 178:7	device 165:10 167:16,25 168:11,17 169:14 170:10	dimension 166:18	discussed 63:21 64:4 72:13 83:5 94:2,6 109:22 111:7 146:23
depth 175:14	diagonal 36:11 123:23	dimensions 131:17 175:11	discussing 70:19
depths 10:20	diagram 58:1 63:19 64:3,9 66:17	direct 47:14 75:22 109:16 169:3	discussion 83:7,13,14 176:16
describe 31:17 32:4 39:18 131:11 171:21	diagrams 57:18	directed 37:21	discussions 72:16 109:3, 7,9
described 169:22	Dibble 171:16	direction 47:10 54:17, 19 56:24 163:11 164:7	district 7:1 173:15
description 175:9,10	died 24:1 173:4	directly 29:14 107:15,22 155:5 168:22	disturb 122:12
descriptions 173:21	difference 152:2	disagree 138:6,14,20	Diversified 148:21 149:8
designed 136:12	different 26:25 37:17 41:1 43:22, 23 46:15 48:16 83:5 98:10 128:8 133:7 136:11,12, 13,15 142:22 146:9,14,17, 19 151:4 154:17 175:21	disagreeing 138:21	dives 18:25 19:2 160:25
destination 131:16	differently 136:9 146:15	disagrees 150:1,4	dock 36:20 38:11, 13,25 40:23 41:14 43:11 50:20 55:14 82:5 84:8 85:5,6 112:23 122:25 125:16 126:4 129:24 172:25 173:1,8 177:13
detail 43:13 109:13 131:11	difficult 26:22 62:13 136:10 172:24 173:2	disapprove 44:17	docked 41:14
detailed 41:15 149:22	difficulties 129:9	disapproved 53:14	docking 156:16
details 76:21 173:3	difficulty 126:16,20 143:4	disclosures 150:14	docks 16:9
deteriorates 37:23	dig 27:23	discoval 152:4	document 23:10 25:25
deterioration 38:1 52:12, 14,20 138:4, 17,25		discovery 78:20	
determine 52:5,10 139:14 164:23		discrepancies 41:21	
determined 52:21 158:1		discretion 38:25 41:20 42:11,16 165:4	
		discretionary 52:18 166:6	
		discretions 146:17	

Gregory Busch
August 24, 2021

26:2,13,14, 17,23 27:4, 17,18,22 28:2,5,10,20 29:23 53:18 55:18 56:1, 2,8,13,22 57:15 60:6,8 61:20 62:11, 12,24 66:15, 19,21,23 67:11,13,14 79:23 88:23 89:2 90:18, 19 91:2,3,22 93:1 94:24 95:9 96:4 99:5,6 100:12,21 101:23,25 102:6 104:3, 7 105:8,14, 23 106:20 107:3 111:24 112:9 113:9, 12,15 120:18 124:18 141:16,18, 20,23 142:3 148:25 149:22 150:5 151:21 153:25 154:5 157:3 160:20 167:2 168:2, 6 documentation 25:4 29:6,24 30:14 72:25 77:20 79:14, 15 80:8 81:3 88:1,7 133:23 147:17 documents 26:5 27:6,24 28:1 29:12, 15,16,17	30:1,3,10, 18,19,24,25 44:16 62:1 67:7 75:7 77:23 78:5 79:3,20 80:5,19 81:1,9 97:16 104:10 105:19,22 108:3 142:7 143:18,19 147:14 148:7 150:1,12 167:1 doing 11:24 15:19 16:11,14,24 21:20 35:12 45:17 46:24 47:24 49:20 53:23 61:25 62:13 63:4,5 68:25 69:1 71:12 77:14 82:16 83:18 111:17 129:17 144:9 147:21 154:25 159:11 160:8,11,18 165:9 167:6 dollars 77:7 Don 5:17 door 12:4 double 35:9 downsize 135:15 dozen 60:12 draft 91:5 107:21 142:1 145:9,	10 drawing 34:13 53:8 58:13 59:2, 13,16,19,22 61:19 62:15, 16 63:15 64:19 drawings 35:13 57:8, 12 60:20 dredge 128:20 129:24,25 dredged 17:24 dredges 12:10 109:1 dredging 10:1,5,8,21 11:1 12:13, 15 15:21 16:14,19 18:1 38:9 128:19 129:17 141:9 drive 131:22 138:9 driven 126:14 drop 51:8 dropped 46:21 169:2 drove 128:20 159:6 dry 36:20 38:25 40:23 41:14 43:11 50:20 55:14 85:5 86:3 156:16 172:25 173:1,7 dry-dock 146:24 156:2,12,15	due 86:15 122:14,18 123:3 143:4 151:12 177:10 Duluth 134:12 137:9 duly 6:6 duties 136:20,22 140:2 168:13,18 duty 121:11 124:22 135:22 139:6,14 140:3,6,14, 19 141:3 dye 171:10 <hr/> E <hr/> e-mail 28:10,16 77:1 87:18 151:1,16,25 153:6 154:11 155:3,20 156:4 e-mailed 87:20 88:4 e-mails 73:3 87:23 151:5,8 155:23 160:14 E-TRAN 177:23 earlier 54:10 79:23 88:17,25 94:6 146:24 160:21
---	---	---	---

Gregory Busch
August 24, 2021

168:20	employee	entering	156:6,10,19
169:20	30:13 159:6	113:19	event
176:16 177:5	employees	entire	112:21
early	10:24 11:16	7:25 36:16	eventually
14:21 15:8	12:14	37:19 55:10	125:14
23:6 68:5	employment	63:19 69:16	everybody
177:15	9:16	120:18,22	48:23 61:25
easier	encountered	entirely	99:2,22
63:3	132:11,13,	146:19	exact
easily	16,19 133:1	entirety	39:24 40:1
118:9,11,15	134:5	37:15 42:18	76:21 135:1
Eastern	encountering	50:13,19	166:4
7:1 152:5	132:24 134:9	63:17 87:3	exactly
Ed	encumbrance	120:22	137:14
147:15	101:15	entities	examination
edge	encumbrances	15:13 69:17	6:11 47:14
175:5	101:9	entitled	161:19
educational	end	90:23 141:16	examine
8:25	41:18 42:14	149:1	41:14
Edwin	58:14,25	entity	examined
12:21 13:6	59:3 60:8	9:12 13:15	6:8
27:11 126:2	63:18 64:10	17:5 27:9	exception
effect	67:9 105:11	75:4 80:24	97:22 125:3
161:2,9	114:24	176:12,20,24	excess
effective	130:3,4,8	entry	48:5
40:3 168:11	133:3 174:17	144:20	exchanged
efforts	ends	172:21	72:25
176:4	155:9	equal	exclusively
eight	engaged	34:3	77:13
65:15	175:7	equipment	excuse
either	engineering	12:11 14:10	6:18 131:15
14:17 17:22	9:2,4	162:11 167:5	executed
18:21 31:14	Engineers	Escanaba	101:10
33:18 42:4	74:10	120:2 134:12	executing
44:5,17	enjoyment	156:1	27:9
53:13 77:1	122:13	essentially	exercise
86:5 114:12,	ensure	40:18 43:13	39:22 146:16
13 133:12	122:14,19	75:20 139:24	exercised
172:19	ensures	166:1	122:14
eligible	39:20	estimate	exercising
27:9 28:7	ensuring	116:17	122:18 123:3
else's	39:25	estimates	existence
23:21	entered	116:16	34:25
employed	111:14	estimation	expect
9:8,18 75:11	113:5,20	129:13	139:2
117:12	123:5	Evans	expected
		155:21	

Gregory Busch
August 24, 2021

86:11	extension	153:3,9	faster
expecting	36:22,25	169:10	28:15
112:14	41:17 42:8	failed	father
expedition	44:6,8,12,	136:21,23	15:10 23:17
166:3	14,17,20,21,	139:25	24:1,9,16
expense	22 89:16,19	140:1,3,8,19	32:14 34:11
112:24	90:1,2 93:20	failing	February
expensive	98:20 100:2,	137:16	72:14 171:9
168:22	8,22 101:4	failure	Federal
experience	107:1 145:14	145:18,21	6:24
42:13 44:23	146:20	fair	feel
47:24 96:21	151:14	8:12 74:18,	27:2
163:22 173:2	161:7,11	22 79:5	fees
experienced	extensions	fairly	172:1
90:8 145:18	89:23	37:2	feet
expert	extensive	fall	19:9 31:18,
129:6	41:18 90:8	176:18	21,22,23
expertise	extent	falls	34:22,23
104:21	35:6 37:20	48:19 138:10	35:9 36:5
expiration	42:3 52:11	false	40:6 125:21
46:12 169:12	68:20 71:19	91:24 92:2,	126:6,19
expire	91:24 92:2	14	134:3,23
161:3,5,10	107:20	familiar	164:4 166:24
expired	134:24	7:11 13:24	174:16
118:4,7,14	137:13,15,25	15:13 21:17	felt
119:9,13	164:24 168:9	27:17,18	115:2 137:19
expires	175:16	56:8 75:4	ferry
119:2	extremely	139:7,12	20:22 177:9
explain	167:25 170:6	140:4	field
34:9 173:25		familiarity	22:12 169:9
explained	F	166:16	figure
163:8,16	face	family	166:19
explanation	25:20 81:22	75:14	filed
78:8	128:1	far	81:4 110:7
exposing	faced	8:4 28:19	111:8,9,10
140:16	128:15	31:4 41:8	114:9,13
express	facilitate	49:20 50:10	files
83:9 116:5	127:9	67:17 71:12	44:15
149:25	facilitated	107:6 110:21	filler
expressed	174:3	113:24 129:2	34:19
22:15 148:16	facing	134:3 141:2	final
extend	129:5	175:23,24	66:15
44:3	fact	fashion	finalize
extended	23:13 79:11,	164:17	151:13
97:7,13,14	15 132:12,15	fast	finally
98:15,23	145:13	129:12 130:2	22:1
100:1		137:1,5,19	

Gregory Busch
August 24, 2021

find 27:23 28:17 68:21 81:8 87:1 137:14 150:6	five-minute 108:9	following 64:3 99:17	foundation 28:23
Finders 133:7	five-year 40:23 41:2, 13 42:21 43:14,17,20 44:4,7 45:1, 4,12,22 48:13 49:1, 8,9 50:6 52:5 89:13 146:19 161:10 162:8,10 163:7 168:19 170:19,25	follows 6:8 forced 22:25 fore 42:14 Forecasts 133:8 forget 166:9 170:13 form 7:15,20 8:7 9:16 15:24 28:22 57:13 58:7 68:2,3, 4 91:16 101:10 104:12 107:8 108:5 115:11 117:21 154:8 160:15 formally 20:17 33:1 format 146:14 formula 174:5 forth 29:22 73:4 94:23 160:14 forward 33:21 35:10 36:20 47:17 53:1,3 54:10,13 59:3 65:17 80:15 90:9 163:23 174:18 forwarded 29:8 found 24:14 77:12 80:9 116:2, 11 121:9	four 7:9 18:24 33:23,24 34:1,2,3 41:3 46:1 58:20 71:4 133:6 166:11 176:23 four-foot 34:16 four-piece 33:8 fourth 27:6 41:23, 25 fraction 62:16 frame 15:5,6 16:3 19:23 89:12 111:4 123:23 framing 36:12 85:11 123:17 free 101:8 Freeland 8:22 9:23 frequently 56:20 133:18 friction 73:8 friendship 67:23 front 33:9 35:7 67:9 90:19 111:24 fulfillment 168:12 full 6:16 26:25 28:1 49:8 62:11,12 122:12
findings 115:20 116:14,21 117:2 159:23	Fleeting 5:19 6:15 7:4 14:8 19:14 24:13 75:5 76:5,12 81:13,16 83:10 93:8 105:11 135:18 151:11 Fleeting's 90:24 fliers 21:18 flipping 154:23 floating 87:5 Florida 124:6 fluid 96:22,25 focus 16:15 22:10 163:8 165:15 170:14 folder 26:4 follow 44:2 146:14 161:24		
fine 51:21 177:23			
first 6:6 10:3 43:14 44:14 46:2 50:20 58:13 63:15 68:9 76:15 84:18 94:22 109:22 110:3 112:15,19 120:15 121:4 127:1 137:1 143:2 148:25 149:9,10 150:25 151:1 154:11 155:20 158:17 161:3 175:2			
fishing 166:3			
fist 151:7			
fit 36:10 51:2,4 80:16			
five 12:10 13:2 41:18 43:7, 8,15,21 46:1 60:1,2 61:6 133:7 135:2 142:11			

Gregory Busch
August 24, 2021

function 10:6	171:13,15	gentleman 25:4 159:20	129:7,10,12 130:2 132:8
functioned 74:16	gauges 41:15 45:7, 8,16 46:13, 18 47:1,2,11 49:8 87:16 90:15 148:23 163:9	gentleman's 167:11	139:16 142:5,12 149:6,7,24 150:1 158:5, 21 159:5 164:6 166:22 167:8 169:12 172:6,16 173:22 175:21,25
fund 107:17	gauging 45:2,6 47:25 56:11 67:8 163:10,14,25 165:9 168:3	getting 14:13 44:25 112:9 119:20 127:10 141:15 154:20 162:9 167:20	
fundamentals 168:3	gaugings 47:13 49:5 56:19,24 162:11 163:8,22 167:6 170:15 171:11	give 8:19 28:11, 14 42:4 47:10 79:10 85:10 89:11 90:18 110:4 111:13 115:15 117:1 120:17 173:6 174:10 176:20	good 6:13 35:8 60:11,18 71:21 85:2 142:19 164:12,20,25 165:7 173:9 178:6
funds 23:2 110:18 111:5		given 7:5 44:23 58:7 67:11 81:2,16 92:14	governed 124:3
furnished 135:6		giving 176:17	government- issued 5:24 6:1
furtherance 123:4		glad 101:25	grade 39:6,9
<hr/>			
G			
<hr/>			
gaps 51:6	gave 28:1 30:24 31:6 87:25 105:23	God 157:4	graduated 9:7
garnered 89:3	Gee 167:13	goes 33:19,20,21 38:2 40:7 41:9 48:21	granted 161:12
gaskets 123:11	general 11:25 44:2 121:21 123:11 124:3	going 7:10,13,15, 24 19:23 26:13 31:13 46:3 55:13, 25 56:3 58:12 62:17 67:3 79:1 83:21 85:25 111:11,18 113:6 122:8	great 5:20 22:14 40:9 70:5, 11,15,19 71:2 72:2,3, 8,19,23 73:1 74:25 79:16 144:1 159:1, 2,10,13,19 160:8,17 162:23 171:12 175:16 176:16,20
gate 159:9	generalizatio n 136:13		
gather 30:19,21	generally 16:9 19:25 32:16,21 41:9 42:12 44:8,10 47:16 50:21 51:7,11 56:10 73:17 84:2 108:25 112:15 114:18 125:9 162:21 163:16 164:3 166:5		
gathered 147:13			
gauge 52:3 53:6,24 54:8,16,21 55:10 56:20 60:9 61:13, 15 62:19 67:18 68:1 88:1,13,25 89:3 90:14 91:17 123:11 147:1 148:20 165:13 166:2 167:25 168:8 170:5,21			
gauged 164:7 165:19 170:3			Greg 70:4,10,11, 15,18 71:6,

Gregory Busch
August 24, 2021

21 72:12,22		he'll	122:1,3,6
Gregory	H	42:3,4,5	170:5 171:5
5:22 6:4,19,		hear	hired
23 12:20	half	18:7,10,11	45:19 71:4
13:6,16	33:17,18	31:20 61:22	73:17,18
50:1,2,7	36:20 42:12	66:24 67:1	158:23,24
91:13 141:17	61:19 129:25	72:17 78:12,	159:1
143:10	130:1	16 94:4 95:1	hiring
grew	hand	148:12	70:20
21:25	53:15	155:14	historically
ground	handed	158:15	89:22
7:10 38:16	29:15	164:19	hit
grow	handle	165:23	38:14
171:12	85:7	172:13	Hoeckendorff
guaged	handled	heard	69:23 76:8,
171:17	29:25	9:3 10:4	13,14,21
Guard	handling	75:3 78:18	81:21 93:8
24:12,22	29:6 130:23	169:20	97:22 98:7
25:16 26:16	174:3	hearing	107:1,7,24
27:7,16,19	hands	8:5 97:25	132:6,18,25
28:4,20	128:13	174:25	134:5 144:14
29:13 31:10	handwriting	heavier	151:9,17
39:21 40:13	57:20	36:21 37:6	152:3 154:18
44:15 100:2	handwritten	height	155:21,25
101:10,19	57:9,19 58:1	134:10	Hoeckendorff's
102:20	59:23	held	151:24
103:8,16	happened	110:19	hold
104:4,9,12,	78:3 125:17	147:15,23	7:24 16:8
13,17 105:1,	137:22	help	holding
15 106:4,5,	happy	34:12 62:22	5:25 110:12
12,16 119:24	64:2 142:7	127:15 175:7	172:2
147:17 148:8	Harbor	helpful	holds
153:10,14	17:24 18:3	7:20 8:1	32:6
guess	Harbors	hereto	holger
48:4 82:22	15:17	97:8	174:5
96:21 145:4	haul	hereunder	honest
165:20	32:11 83:21	122:11	79:11
Gulf	hauled	high	hook
22:25	177:11	9:1 34:16	128:3,12
Gullet	hauling	129:10 134:3	hooks
133:8	16:12,16	highlighted	139:13
guy's	83:12	26:6	hoping
173:7	Haynes	hire	68:15 170:2
guys	25:4,8 29:5,	11:22 12:14	hour
128:6	11,14,19	112:20	82:15 85:18
	153:10	120:8,11	129:25 130:1
		121:5,17,21	

Gregory Busch
August 24, 2021

hours 82:16 128:23,25 129:20,23 167:14	identify 143:21 146:3 147:7 166:12,17	inches 174:14,15 175:4,5,6	industry 46:20 69:12
house 128:10	identities 25:2	include 143:25 168:12	inertia 34:17 174:6
huge 144:5	identity 6:2	included 14:2 60:16 62:20 67:7, 11 113:10,13 173:19	infinite 166:1
hull 35:21,23 36:14,15 37:13,22 38:1,20,23 39:4,13 45:14 47:25 52:6,12,15 59:15 84:11 86:14 91:16 123:15,16 143:23 147:2,5 162:9,11,15, 17 163:3,24 164:1 165:15,19,21 166:8,9 174:6,21	IMO 131:15	includes 26:5	inform 151:10
hulls 162:23	impact 38:22	including 34:2 143:22	informally 20:18
Huron 16:23	importance 164:8	incomplete 7:18	information 53:15 56:6 57:13,18,19 58:1,24 59:19 62:1 63:22 64:15, 16 65:7 66:16 67:10 74:8,9 89:3 91:15 108:4 132:2,12,15, 23 135:4 137:16 138:25 139:2 141:7 143:16 144:19 150:7,8,20, 21 176:1 178:2
I	impression 115:1	incomprehensi ble 160:1	informed 22:22 76:17 134:20 153:9
I-O-R-I-O 68:16 94:10	improper 117:14	inconsistenci es 116:25	initial 25:3 150:14
ID 12:25	in-person 84:15	incorrect 150:22	initially 34:15 42:25 43:1,3 77:8 155:20
idea 21:25 32:12 35:8 134:16 166:13	inaccurate 150:22	increase 34:17 63:11 174:9	inject 120:19
identificatio n 5:24 6:2 131:8 132:3	inaudible 18:5 25:5,18 30:6 31:8,19 32:9 36:23 42:25 46:11 54:11 61:21 70:21 78:11, 15 97:23 102:23 113:11 123:6,10 125:23 148:11 155:13 163:17 165:22 166:15 167:17,24 172:9,11 174:23	independent 121:21	input 91:6,10
	inch 36:5,8 174:15	indicate 5:15 111:10	inquire 172:18
		indicated 143:24	inquiries 176:6 177:5
		indicates 64:22 94:2,6	
		indication 106:3	
		Indirectly 40:15	
		individuals 15:12	

Gregory Busch
August 24, 2021

inquiry 176:10	intake 16:23	involve 13:24 14:10 146:24 147:1	50:17 54:3 57:6 67:19 90:3
inside 32:19 50:25	integrity 162:17	involved 17:13 144:9 175:3	job 12:3 16:19 168:14
insisted 110:11	intended 139:8,11 140:5,10 144:22,24,25 145:2,13 153:2	involvement 107:21	John 75:13
inspect 62:11 84:11 119:22 121:11 124:22 139:7,14,23, 24 140:3,8	intending 140:12 153:4	involving 54:1	jointly 15:10
inspected 116:12	intentionally 82:19	Iorio 68:13 94:11 173:17 175:12	judgment 78:4
inspection 40:23,24 41:6,9,13, 16,19 49:9 50:23 69:18 76:19,23 82:16,20 90:6 147:4	intentions 139:17	irons 36:7	July 109:10 114:15 148:22 149:10
inspections 41:1,2,4 42:22 45:5 146:24	interest 22:15 46:23 69:13 72:19 129:16	irrelevant 89:5 164:18	June 24:25 25:14, 15 26:16 27:7,16,19 28:5 75:9 98:23 99:3, 24 101:19 102:7,20 103:17 104:5,9 105:11 106:17 108:15 109:3,10,23 114:9,14 117:8 118:8 119:13 120:5 125:17 132:18 134:6 151:8,13 152:9 154:12,17 155:4,25 156:2,5 157:1 161:3, 7,10 171:22
install 34:18	interested 21:2,25 22:12 47:19 70:19 71:22 72:15 83:10, 11 169:8 177:15	issuance 105:1	
installed 34:16	interfere 30:17 82:20	issue 119:19	
instance 73:20 134:13	internal 36:12	issued 40:19 52:16	
instances 54:7	International 25:9 29:5, 11,20 153:10	issues 40:13 173:8	
instruction 47:10	Internet 21:19	item 32:9 44:19	
instrument 27:10 53:20 54:25 169:17,18, 19,25	interrogatori es 141:18 143:11	item-placed 65:20	
insurance 73:6,9,13, 16,17 158:25 171:10	interrogatory 143:3,20 144:17,18 145:16 147:7 148:16	items 37:17 135:16	
	invoice 171:25	J	
		jack 12:4 38:10	
		James 6:19	
		January 23:9,10 167:13	
		Jesse 65:23	
		Jessica 49:15,16	
			jury 32:5

Gregory Busch
August 24, 2021

K	12,20 50:6 51:5,19 52:22 53:17 54:1 55:12, 13,14,17 57:16 60:11, 17 61:6 62:5,9 63:4 65:21 66:25 67:17,22 68:23 69:4, 6,7,24 70:1 72:20 73:23 75:2 76:3 77:8 78:22 79:9,21,25 80:2,7 81:11,13,15, 16,18,20 82:11 83:3 84:7 85:23 86:10,24 96:2 100:6, 20 104:10 105:19 106:8,13 107:5 108:2, 19 109:8,9, 11,24 110:5, 21 111:12 116:3,4 119:25 120:3,22 121:17 123:21 125:9 128:3,5,9 129:13 131:23 132:1 133:3,9 134:17,24 136:3,10 137:7,8 139:20 140:6,9,11, 21,24 141:22,25 142:2,3,15 143:19 144:11 145:5	149:13,14 152:17 156:17 158:10,20,23 159:25 160:19 163:21 164:2,13,14, 20,21 165:4, 5,14 166:6, 13,21 167:22 168:22,25 169:3,9,16, 17 170:3,5, 21,22 171:12 172:23 173:9,14,15, 18 175:13, 23,24 177:4, 15 knowing 158:6 knowledge 68:20 74:19, 23 104:2 105:5,7,9 107:4 108:7 134:14,19 137:13,15,24 143:16,21 144:7 145:25 known 73:5 162:21 Kobasick 172:23 173:1	8,16,17 177:9 Lakes 22:14 40:9 70:5,11,16, 19 71:2 72:2,3,8,19, 24 73:1 162:23 171:12 175:16 176:17,20 language 100:9 113:9, 12 lapse 151:12 large 16:19 late 177:6 latest 87:16 88:13 launch 19:7 lawful 117:13 laws 124:4,5,10 lawsuit 78:5 81:4, 14,17 110:7 111:7,10 114:9 leading 43:8 leaks 84:5 lean 131:4 167:21 learn 24:6,8 lease 20:12 leave 38:13 41:10 128:16
	L		
	L.L.C. 11:6 labor 11:25 laborer 126:10 lake 16:23 20:22 42:2 133:4,		

Gregory Busch
August 24, 2021

137:12	87:15 101:19	22:1 85:4	located
leaves	104:9 154:20	175:21	21:15 33:7
42:6	155:7	listed	151:22
led	Liddane	21:8 22:22	174:11
22:5	5:20 161:20,	77:13	location
Lee	21 162:2,6	listing	9:20 54:18
167:13	177:17 178:4	21:12 22:2	58:14 59:2
left	lien	175:17	63:18 64:10
111:9 120:1	101:15	litigation	119:21 164:6
128:18,20	102:10	172:4 173:11	176:1
129:23	103:18	little	long
legal	147:15,23	19:4 22:8	10:9 13:5
9:12 92:16	liens	23:4 25:22	19:9,24
94:19 95:12,	101:9	26:9,17,25	25:23 31:18,
22 96:15	lieu	43:13,23	21,23 35:7
97:17 99:4	5:9	58:12 63:11,	40:21 50:2
100:16	life	12 70:3	73:7 75:1
102:13,22	162:22	73:24 83:6	82:13 126:19
104:15,19	169:16	85:9 86:4	128:22,24
106:19 114:3	likewise	90:7 126:18,	129:22
124:17	8:1 59:7	20 129:4	130:4,7,10
147:25	line	142:12	131:24
152:10,20,24	16:22 34:12	150:4,24	161:25
157:16	39:16,19	174:17	174:18
leisure	40:4,10,14,	177:10	longitudinal
51:8	21 42:17	live	123:21 174:8
length	45:5 49:25	8:23	longitudinals
34:21 35:1	52:16 80:13	load	36:8
40:7 146:23	87:12,14	34:12 39:16,	look
174:16	97:9 118:4,	19 40:4,10,	28:15 30:22,
175:14	7,9,17,20,21	14,21 42:17	25 50:25
lengthen	119:1,9,13	43:3,5 45:5	69:20,22
174:7	135:19	49:25 52:16	70:2,5,13
lengthened	145:14	87:12,14	71:6 72:4
35:12 174:4	149:21	118:4,7,9,	78:21 81:3
lengthening	154:11 158:7	17,20,21	105:23 106:1
35:14	161:2,8	119:1,9,13	112:16
lengthwise	162:10 163:7	140:14	127:16 133:5
174:13	170:25	145:14 158:7	142:22
Leo	lined	161:2,8	176:5,17,21,
155:21	43:4,5	162:9,10	24 177:2
156:6,10,19	175:15	163:7 170:25	looked
lesser	lines	175:15	27:24 68:2
33:18	127:15 162:9	loaded	71:14 74:6
letter	liquid	134:14,18	79:13,14,20
26:15 27:3,7	32:18	140:22,24	80:8,19 81:8
29:7 44:13	list	local	88:17,20
		6:25	113:11

Gregory Busch
August 24, 2021

119:25	13,15,17	maintain	81:11
129:15	22:22 68:25	135:22	marine
133:2,9	69:4,6,7	136:23	9:11,12,24
175:19	76:17 77:2,	137:17	10:1,13,24
176:8,12	24 78:7	138:13	11:1,4,7,11,
177:8,12	80:6,7,20,23	maintained	17,24 12:1,6
looking	81:5,10	136:8	13:12,14,21
21:22 22:20,	94:3,7 96:5	maintenance	14:9,12,17,
24 58:14	107:3,14,19,	123:7,12	20,24 15:3,
59:3 62:15	24 108:4,16,	137:23	9,22 16:24
70:17 83:4	22 109:2,16,	138:12	17:22,25
116:24	19,23,25	major	18:4,21
117:10	110:3,6	38:22	23:7,13
129:13	111:3,8	make	28:21 30:13
lookout	136:4 147:16	7:19 18:12	42:19 44:5
127:11	151:9	21:4 41:12	49:21,24
looks	173:12,17,18	42:5 44:11	50:15 56:6
41:7 58:23	175:7,25	48:24 51:4	68:6,17
60:1 93:11	Machinery's	53:20 62:4,9	69:12 71:3
94:12 167:3,	176:4,13	63:2,11	72:7 73:21
4,12	machining	69:11 76:19	81:4 82:23
loop	12:5	83:17,22	112:23
131:22	made	84:1,4 85:4,	116:18 136:3
loose	20:15,18	6,7 119:23	141:16
155:9	22:1 34:24	120:14	143:3,10
lost	35:21,23	125:14 127:2	146:5,6
25:24 38:13	36:2,13,19	136:13	151:21
46:23 109:1	38:3,7 39:13	142:11,12	156:1,10,15,
lot	49:11 52:17	145:10 158:4	19,20,24
13:23 29:14	81:13 83:20	159:15 161:1	158:3 159:7
46:19 55:13	85:5,17,21	162:17	171:20
117:1 128:6	86:25 98:8	174:24	172:18,24
138:11	116:15,21	making	Mariner
168:23 173:9	129:16	20:25 130:9	38:12
	130:15,16,	163:15	maritime
M	19,22 138:21	manner	124:4
	139:22	5:14 117:14,	marked
machine	141:11	19 136:6	26:13
9:19 11:4,	144:18	manpower	market
13,14 12:2	166:23	17:11	69:1 175:7
14:12 46:6	mail	manufactured	176:2
68:21 78:7	87:18 171:25	166:22	marketing
126:10	mailing	manufacturer	69:8
127:14	171:25	167:24	Mary
170:1,14	main	manufacturers	12:21 13:8
machinery	10:6 16:15	168:2	material
21:9,10,12,	33:9	March	45:9

Gregory Busch
August 24, 2021

materials 39:3 45:12 69:8	measuring 10:20 162:15 170:1	124:10 151:22 173:13,14 177:9	missed 172:10
math 166:19	mechanics 40:18	microphone 78:17	missing 55:14 88:24
matter 5:11 34:6 44:6,23 136:4 137:10 138:8	meet 54:5 72:23 76:7	midbody 90:11	misspoke 161:8
maximum 52:14	meeting 81:22,25 82:10,13 89:10	middle 122:9 163:23	mistake 92:21
mean 16:1 19:23 30:19,23 38:21 39:8 42:10 48:18 74:12,13 85:22 87:1 97:1 138:20 159:25 166:14,25 170:4 175:13	member 11:12 133:20	Midland 8:22 9:23	mistaken 11:6
meaning 135:22 140:2	members 72:16 144:6	midship 37:4 47:17 53:2 59:8 61:17 64:22, 24 65:3	model 55:1 72:24
meaningless 100:10 101:1	memory 149:24	Mike 161:21	modifications 35:21 36:2, 13 38:20 39:13
meant 18:19 154:16	mention 86:11	miles 130:6,7,8	modified 34:23 36:9 37:19
measured 45:11,13 66:13	mentioned 10:12 12:18 14:3 34:21 35:11,18 37:18 39:16 40:12 41:23 42:7 45:1,6 73:20 77:16 84:8 88:25 136:19 177:5	mill 39:15	moment 6:18 34:17 174:6
measurement 149:1,11	mentioning 13:11	mind 14:18 120:17	money 109:17,20 110:12
measurements 45:17 57:9, 23 58:5,7 59:11,12,23 60:2 64:20, 25 65:4,8, 11,12,13,15, 21,25 66:6,9 67:4,5 148:20,21 149:8,15,18	menu 62:22	mine 153:3	month 156:15
measures 45:9	met 46:19 94:16 95:10,19 96:12 144:11	minor 34:18 123:6 125:9	months 122:24 123:5 127:6
	Mexico 22:25	minute 137:3	moot 77:15
	Michael 5:20	minutes 51:22 55:15 82:14,21 83:1 108:11 142:11	morning 132:18
	Michigan 5:1 7:1 8:22 9:1,23 10:23 20:22 82:7 112:24	misrepresent 106:23	mortgage 24:19 27:8, 14 28:6 31:10 101:14,20 102:7,10 103:8,18 104:5 108:5 147:23
		misrepresenta tion 99:6 100:12 106:20	mortgagee 27:10
		misrepresents 18:9 101:22 157:2	mortgagees 27:11

Gregory Busch
August 24, 2021

mother 24:1,16	10 76:20 127:17,19	98:17 100:7 101:4 115:4	north 133:3
mother's 23:22,23	128:11 131:14	116:14 127:15	156:10,20,24 171:20
motivation 22:18	144:14 149:7 159:13 160:7 167:12	needing 52:17	Northeast 74:10,14
mouth 128:19 129:14 130:12	names 12:19 156:21	needs 62:11 136:5 163:4	nose 42:4
move 80:2 119:17 122:25 126:22	narrow 35:7	negligence 135:17	notch 35:14
moved 98:16,18 125:21 126:15 127:11 134:11 165:7	natural 163:2	negligent 114:1 115:25 116:6 117:14	notches 174:2
moving 126:8,16 129:2 133:21 154:24	nature 9:24 12:1 16:21 43:17, 20 79:7 86:7 109:11 134:24 137:24 162:8 167:9	negotiation 85:9	note 85:15
muddled 131:5	naval 73:24 74:3, 12,15 148:21 149:8	negotiations 14:15 75:7 76:10 91:13 107:6	notes 48:23 85:17 165:12,14
multi-page 56:1	navigated 117:13	nephew 173:5	notice 6:24 81:17 142:2
Muskegon 75:15,20	necessary 24:22 107:2 127:13 162:20	never 24:14 44:25 68:17 72:21 74:15 75:3, 15 98:9 110:21 132:5 135:3 144:11 145:18 159:17 171:3 173:3 175:19	November 70:6,8 71:7
N	need 7:15 8:14 26:24 27:2 51:18 54:8 58:11 62:10, 18 63:24 79:2 80:7 98:3 131:2, 23 133:9 140:6 142:18 149:14 150:10 155:9 161:23,24 165:17	NGT 46:6	number 7:13 12:25 26:5,14,22 42:21 46:21 52:22 56:3 58:17,20 59:5 60:20, 21 63:19 64:12 65:17, 18,19 66:2 77:7 82:22 91:12 123:22,23 131:15 136:19 139:13 141:23 143:20 144:17 145:16 146:3 147:7 151:4 154:25 166:1,17
Nah 51:11	needed 22:19 37:21 85:4,21	Nick 172:23 173:4	numbered 13:3
nailed 125:21		night 159:6	
name 5:16 6:13, 16,19,20 7:3 11:22 12:24 13:1 21:23 23:19,21,22, 23 24:11 25:4,8 29:12 49:14 55:1 68:14 70:4,		nods 7:17	
		nondestructiv e 167:3 169:14	
		normal 7:23 62:12 138:17	

Gregory Busch
August 24, 2021

numbers 59:23 65:24	objectionsto 5:13	oceanographer 22:11	65:24 66:5
numerous 49:19 138:11 149:23	obligated 97:14 98:14 99:1,21 106:18	oceanography 9:2,5	67:3,10
<hr/>	obligation 124:24	offer 21:1 88:7	74:25 89:24
O <hr/>	observation 141:11	offered 69:16 88:5	90:22 93:4, 24 100:5
OAKLAND 5:1	observe 159:8	offers 20:19,21	102:5,18
oath 5:9	observed 71:10,12,17 132:3 141:7	offhand 127:19 143:19	106:10
object 78:11,14,17 104:15 115:11 149:21	obtain 44:12 46:8 79:3 81:5 147:22	office 29:15 31:7 53:13	109:13
objected 159:22 160:3,12,16	obtained 24:18 34:11, 12 89:16 102:9 119:14 147:14	official 27:18	110:13
objecting 18:7 80:14	obtaining 39:16 42:7	officially 61:12	113:19
objection 15:24 18:5,8 28:8,22 29:1 30:6 92:4,16 94:19,24 95:12,21 96:14,15,19 97:16,17 99:4,5 100:11,16 101:22 102:3,13,22 103:2,11,20 104:19 105:3 106:19 107:8 114:3 117:21 124:17 125:7 144:18,21 147:10,25 148:10,15 152:10,20,22 153:8,25 154:8 157:16	obvious 137:21	Ohio 56:12	114:21
	obviously 43:23 72:12 127:9 137:22 161:22 162:14	Ojala 69:24 70:3, 13 71:6,24 72:17 73:5 74:24 116:8 135:10 138:14,21 145:24 158:13,16 159:17,18 160:7,17	119:23
	occasion 169:22	Ojala's 117:1 159:13	121:1,8,13, 16 123:2
	Occasionally 16:15	okay 8:17 16:6 18:12,16,19 26:6,8 29:10,23 30:1 31:4 34:9 35:6 41:23 49:12 50:6 51:23 54:7 55:4 61:13 63:10, 21 64:6,9	124:8 126:8
	occasions 7:8 98:10 108:18 146:4 170:13		130:16
	occur 35:3,19 72:11 97:5, 12		137:11 138:3
objections 160:11,17	occurred 134:25		142:18,23
			143:20
			149:6,9
			150:16,18
			151:6,24
			152:2,16
			154:17
			155:23,24
			156:23 157:9
			159:15
			161:17
			162:14
			163:1,13
			164:6,10,16
			165:15 166:7
			167:1,8
			168:10
			170:13,20
			171:8,14
			173:20
			174:20 175:7
			176:11,23
			177:17,24
			on-charter 120:7,11 121:5,17,23, 25 122:3,6
			onboard 17:2
			once 6:15 70:18

Gregory Busch
August 24, 2021

73:6 111:9 128:15 130:12,16 one 6:14 7:3,21 10:6 11:18, 20 12:9,24 13:9 14:20 15:10,11 20:22,23 23:13 26:6, 18 37:20 41:9,23,25 44:25 46:25 47:9,17,20 48:16 53:1,2 55:2 60:10, 18 70:12 71:4 73:25 74:4 76:16 84:6,15 85:9,20 90:18 91:11 93:5 97:3 104:25 105:23 108:20 114:14,17 118:19 128:12 133:3,7 134:17 135:10 139:13 142:16 150:24 151:1,8 157:4,9 160:5 162:1, 2 163:24,25 165:6 171:9 174:18 176:7 one-way 118:9,17 119:19 one-year 41:17 42:7 44:6,12,20	89:16,23 161:11 ones 33:20 35:25 61:4 88:17 133:9 135:9 142:9 open 40:7 115:9, 22 117:4 130:5 132:6 opening 156:2,15 operate 40:4 113:16 115:9,22 116:1,6 117:3,18 118:3 119:6, 14 128:6 135:23 136:23 137:17 operated 53:22 136:5, 8 140:15 141:12 operates 12:11 26:10 operating 17:8,10 129:2 141:12 operation 10:21 129:7 130:23 131:19 139:13 168:10 operations 18:1 117:13 operator 22:14 53:24 opinion 85:22 102:23 104:20 115:15 116:5	opinions 149:25 opportunity 7:13 139:23 143:8 176:20 opposed 22:6 176:2 option 41:8 order 95:10,19 97:14 103:8 147:10 148:6 177:22 ordinary 124:14 125:4 138:18 162:22 original 52:15 66:1 100:21 129:21 originally 25:9 32:9 34:23 35:7 36:6 37:13 39:3 93:21 outlets 175:21 outlines 44:1 outside 45:18 67:22 102:23 owned 13:5,6,14, 17,20 14:20 15:9,10,11 17:21 23:5, 8,15,16 42:19 43:16 44:5 56:5 73:9 75:14 143:24 owner 11:7 34:10 44:20 45:17	75:20 104:25 118:24 120:7,9,10 121:5,7 122:9,10,13 157:14,22 158:1 171:18 177:12 owner's 56:25 122:11 owners 11:9 171:6 ownership 105:10 145:18 153:16 157:23 owning 14:5 32:12 <hr/> P <hr/> p.m. 5:3 51:25 52:1 99:19 108:12,13 142:24,25 143:5,6 162:4,5 178:7 P224 56:3 P233 56:3 P252 26:14 package 60:14 71:23 pad 85:15 page 7:12 26:24 28:13 56:4, 7,11 57:12 58:13,24 59:7,10,22 62:3 63:16,
---	--	--	--

Gregory Busch
August 24, 2021

17,23 64:3, 9,15,19 65:6,10 66:15,19,20, 23 93:2,17, 18,19 94:7 98:20 112:10,11, 15,19 117:10 122:8 149:9 151:6,7 155:20 167:11 pages 57:8 60:19 62:24 88:23 93:1 142:6 149:23 155:19,23 paid 23:1 24:9 77:9,11 152:14,15 153:4 168:24 paperwork 24:12 25:10 41:11 100:3 107:18,21,23 paragraph 27:6 94:22 97:5,8 101:7 112:19 117:10 120:7,22 121:4 122:8, 9 124:1 135:17 136:20 139:6 140:1,14 141:2 paraphrase 173:23 parents 147:24 parsing 153:20,21 part 16:25 31:21	32:12 35:24, 25 42:15 43:18 45:3 52:4,25 60:14 71:11 72:19 94:4 98:3 123:3 127:2 131:2 139:22 partially 32:14 participated 147:13 participating 5:6 particular 10:21 16:1 17:8 22:5 37:19 44:11, 19 54:9 68:12 120:13,21 134:10 136:7 163:14 164:21 165:1,5 167:5 169:19 174:1 parties 5:12 94:12 97:2,7 parts 138:7 party 81:13 passed 129:24 past 20:25 54:23 71:3,4 90:8 159:14 160:7 Pat 7:3 pathway 16:6 patient 161:15	Patrick 5:18 6:13 Paul 23:17 pay 131:18 153:4 172:7 payment 155:5,10 peaceful 122:13 peak 33:20 35:16 42:14 90:9, 10 penalty 5:12 143:14 people 17:1 20:22 46:20 82:23 107:13 144:10 168:25 172:24 177:10 percent 22:18 54:16 88:11 Perfect 156:23 perform 17:3 168:18 performed 122:1 146:6, 12 171:3 performing 149:8 performs 40:18 period 20:10 43:8 123:1,12 131:18,25 158:12 170:25 176:6 177:1	periodic 162:8 periodically 53:22 131:21,24 perjury 5:12 143:14 permanently 12:22 permission 157:7 159:17 permit 122:11 person 5:10 13:15 45:16 70:10 82:2 88:1,3 168:13 169:1 person's 127:17 personal 74:19,23 167:3 personally 13:15,16 23:12 26:20 29:14 30:12 31:6 74:7 145:4 personnel 48:22 51:10 persons 69:17 143:21,25 pertaining 91:15 146:5, 6 phenomenon 162:21 163:2 phone 77:1 81:21, 24 134:22 137:12 160:14 phonetic 12:5 16:10 70:4,12
---	--	---	--

Gregory Busch
August 24, 2021

131:22	plate	128:25 129:4	159:14 163:4
152:3,4	37:1 59:23	130:12	Post
172:23	65:11 163:3,	134:20	15:17
photographs	14,25 164:6,	156:18	posted
116:24	11 165:18	164:25 172:8	176:19
phrase	166:18,20,24	173:10	posting
120:21	plates	poorly	176:1
physically	34:19 165:20	14:23 134:17	potential
5:7 174:11	166:8,9,12,	166:8	73:1 76:17
picked	17,22	port	111:18
125:16	platform	33:18,21,24	176:25 177:3
129:22	19:6	34:2 37:7	potentially
picking	plating	38:17 59:2,	156:11
83:11	36:5,6,21	5,8 60:20	Power
picture	37:5,6,9,12	61:1,9,15,17	38:11
25:24 162:7	45:14 66:4,	64:10,12	practicing
piece	6,12 123:15,	65:15 67:5,9	73:25 74:4,
136:4 167:5	16 147:4	portable	11,12
pieces	play	109:1	preparation
51:2,6 93:3	105:1,7	portion	147:13
pilings	pleading	27:3 55:23	prepared
38:15	90:20 91:24	99:17	56:14 58:2
pilot	92:3,14	portions	91:7,22
128:10 141:3	143:9	38:23	92:24 93:7,
144:15	pleadings	position	22 96:4
piloting	92:17 172:16	100:9,19	114:14
141:8	please	110:11	presence
pipe	5:15 6:9,15,	119:4,12	86:13 163:10
16:22	17,20 8:7,19	positive	present
pipeline	27:2 31:15	44:18	5:7,24 47:6
19:19 22:14	58:11 63:1	possession	50:10,15,17,
pipng	95:7 103:5	105:22	19 51:9
34:11	112:5 114:11	113:16	55:10 67:19
place	146:11 156:6	117:17 120:9	71:6 82:8
30:3 38:9	157:9 177:22	121:6,24	84:21
82:4,10	pleasure	122:12	presented
109:9 134:4	159:24	124:24 158:8	27:8 28:6
167:15	point	161:9	presents
places	15:1 20:15	possibility	6:1
20:3 30:25	21:3,4,7	87:1 113:5	president
162:16	22:16 23:23	possible	70:11
Plaintiff's	24:6,8,18,24	20:9 58:9	pressure
90:23	32:7 34:25	62:23 75:8	50:22
plan	37:4 50:24	84:10 87:25	pretty
23:2 151:20	68:5 77:15	144:15	12:16 71:25
plans	92:23 101:13	possibly	77:13 129:10
139:17	111:13	23:13 71:22	133:15 160:1
	120:20		

Gregory Busch
August 24, 2021

161:23 168:9	44:25 86:14	projects	pulled
prevented	129:1,8	18:23	24:12
170:9	166:20	properly	pulp
previous	problems	101:9 128:2	16:10
20:3 34:10	41:7 86:15	140:15	pumps
70:6 157:22	procedure	property	34:10
previously	6:25 44:2,3	172:21	purchase
14:3,18	53:25 55:9	propose	22:23 69:13
15:3,7 26:14	61:2 121:21	170:4	72:8 73:2
32:7 49:17	163:20	proposed	75:8 144:20
71:3 106:25	proceed	117:15	170:2
130:14	6:10 23:2	144:20	purchased
155:24	42:2,4	147:9,11	23:17 24:9
159:10	process	protect	purchaser
Primarily	34:13 35:13	113:11	176:25 177:3
10:23	164:3	157:25	purchasing
prior	processing	prove	151:11
16:14 19:21	100:3	168:7	purpose
20:6,8,14,19	produce	provide	35:14 83:15
21:12 23:15	27:22 30:22	8:17 106:15	85:23 119:20
44:7 47:4,24	79:15 121:22	124:10	162:14
63:23 70:6	produced	141:24 167:2	173:25
75:25 81:22	26:14,19	174:11	purposes
103:17 104:5	27:5 30:1,5	175:8,10,11	136:12
105:15 120:8	31:5 56:2,13	provided	pursuant
121:6,24	66:23 77:22	17:1 23:11	6:24 113:25
124:22 127:6	78:6,8,25	69:7 91:14	121:25
144:19	79:4,21,24	120:12	161:10
158:20	80:21,23	143:18	pursue
160:21	87:25 90:22	149:15	177:16
176:17,23	104:3,7,10	173:20	pushed
177:3	105:17,21,24	providing	38:14
probably	114:8	17:10	pushing
7:11 12:23	150:12,13	proviso	174:3
16:13 22:17	151:5 155:24	143:17	put
43:7,21	production	prudence	15:1,17 17:1
45:25 49:22	27:21 28:13,	122:14,19	22:23 25:25
53:12 60:12	17 30:10,19	123:4	35:9 36:4,7,
82:11 85:17	167:11	prudent	9 55:18
91:8,9	professional	132:10 136:5	112:8 119:19
109:10	170:7	158:4 170:11	135:12
128:7,25	project	publication	142:15 149:1
129:14 142:1	11:1 12:13,	15:17	166:24
166:14	17 16:25	pull	174:2,9
probate	17:6,11,13,	30:10,13,18	puts
24:15 147:14	19 18:17,20,	41:22 101:25	25:22
problem	22 19:19,21		
8:5,7 26:11	20:5		

Gregory Busch
August 24, 2021

putting 22:6 34:6 141:15 150:25	question's 7:24 questioning 80:13 149:22 questions 7:14,15 8:4 31:14 72:13 79:11 80:12 141:23,24 143:17 161:16,22 168:6 quick 162:1,2 quickly 155:19 quit 169:1 quite 29:21 37:9 51:7 160:13	11,20 66:5, 17 166:5 176:19 rate 129:10 141:3 re-depose 79:2 reached 172:18 read 59:16 63:25 91:18 99:14, 18 112:14 114:24 115:1 120:13,14, 18,21 121:14 122:16 124:12 142:12,13 143:8 167:11 168:2,3,7 173:23 readable 63:12 reading 54:9 55:11 60:11 121:15 137:2 142:21 153:21 154:6 164:8,10,22, 25 165:2,7 readings 48:1,9 52:3, 25 53:2,3,7, 19,21 54:3, 17,18,21 60:9,13,24 61:8,13,15 62:19 67:19 68:1 88:2, 13,14 89:1,3 90:14 91:17 147:1 164:13,18, 20,23 165:1, 6,16,18,19 166:1,3,6,9 168:8	readmitting 148:11 real 132:17 reason 8:14 67:10 83:7 85:3 117:5 171:11 rebuilt 35:15 recall 20:9 28:9 34:14 37:8 52:24 53:5 54:7 55:12, 17 56:18 57:24 58:9 71:25 72:12 76:20 87:11 89:24 90:5 91:9,11 109:13,15 114:17,18,25 115:3,6 116:16,17 132:2 155:25 167:6 169:15 173:12 177:7 receipt 155:17 156:4 receive 9:6 151:16 received 20:19 21:24 27:4,18,21 28:5 29:16 31:11 49:25 105:17 107:23 108:1 111:5 169:6 receiver 131:14 receiving 26:17 28:9 111:2 recent 100:1
<hr/> Q <hr/>	<hr/> R <hr/>		
qualification 74:6 qualification s 73:23 74:20 116:3 quantify 166:17,25 quarter 174:15 question 7:25 8:2,6, 7,8,11,12, 16,17 28:4, 20 30:16,18 39:6 40:22 43:18 49:4 52:7 61:13 62:19 71:11 74:25 89:9 92:2,10,11 94:5 95:4,7 96:1 98:12 99:9,11,12, 15 103:4 107:11 114:11 115:12 117:6,22 121:1,17 129:21 131:7 136:10 142:19 143:20 145:1 149:19 152:18 154:9 155:1 156:13 165:20 166:7 168:15 172:15	radio 127:15 128:7 radius 36:19 37:7 166:15 raise 22:19 160:17 raised 44:20 rake 33:21 35:7 53:3 54:10 65:17 90:9 127:8 ran 160:7 175:18 Randal 75:2 114:10, 14 random 59:10,23 60:19 64:19, 24 65:4,7,		

Gregory Busch
August 24, 2021

recently 35:11 81:11	reference 153:3	registered 24:23,24 31:11 101:20 102:19 103:7,16 104:3,8 106:5,11,16	remember 15:11 20:2 26:17 37:2 44:8 55:1 67:8 73:7 106:6,8 116:19,24 133:6,10,12 154:20 156:3 159:12 160:14
recertified 169:11,18	referred 16:20 45:4 153:18 156:11 159:25	regret 151:10	remotely 5:1,8 168:4
recess 51:25 108:12 162:4	referring 29:18 32:17 36:16 57:5 58:17 79:22 81:14 136:2 145:2	regulation 39:22 40:2 70:25	remove 103:8
recognize 62:13 111:17 128:13 149:2,16	reflect 6:22	reinstated 169:4	removed 34:10 127:1
recognized 61:12	refresh 26:9 27:14	rejected 25:1,10	renewal 89:13 158:7
recollection 27:14	refused 172:20,21	related 29:24 30:4 48:20 57:9 78:5,7 80:19,23 81:1 82:24 168:6	renewals 158:10
recommended 34:14,15 116:20	regard 10:4 19:5 37:22 42:7 47:13 65:20 66:17 68:9 70:16 73:1 74:19 78:3 80:24 83:22 93:7 104:11 109:4 123:15 131:19 132:23 136:1 139:1 143:2 144:6 158:13,16	relate 59:12	renewed 40:25 46:10 118:5
record 5:16 6:22 24:21 27:10, 11 52:1 53:17 99:18 108:13 142:24,25 143:4,6 149:5 151:4 162:5 164:18,23	regarding 56:7 65:7 72:8 75:8 76:16 77:24 80:5 81:3 83:1 114:15 116:21 133:24 137:24 144:19 145:25	relating 124:2	rent 10:1
recorded 5:1 53:8 60:11,13 61:18 89:1 102:19 105:15 165:3	register 24:21	relation 84:18 176:18	rented 172:25
recording 27:9,20 28:7		relationship 80:6,24 173:9	repair 37:18 48:25 51:10 53:4 54:14 85:11 116:16,17 166:23
records 105:8 173:20		relative 172:2	repaired 54:6 115:4
Recovering 110:24		release 108:5 147:14,22	repairs 35:23 38:3,6 42:5,6 48:19,24 49:10 51:1 52:17,21 85:4,6,8,20 86:25 116:14,19,20 138:12
reduce 62:23 93:12 112:4		releasing 104:4	
refer 143:18 154:12		relevant 30:22	
		relied 122:2	
		rely 168:13	
		relying 145:13	

Gregory Busch
August 24, 2021

repeat 25:7 65:1 95:7 97:25 99:10 130:25	99:14,18 103:13 108:8 117:25 118:11,15, 19,21 123:8 125:24 130:25 131:3 148:12,17 152:22 155:14 163:18 165:23 167:18,22 171:15 172:12 174:24 177:24 178:3,6	158:7 171:6 requested 27:6,25 31:5 48:8 61:4 78:25 79:4, 23 99:17 154:18 155:4 178:8 requesting 44:13,21 155:2 require 40:10 required 39:11 40:4, 7,21,22 42:13 45:16 46:13,15,17 49:2,5 52:21 99:2,23 131:13 136:8 162:12 165:5 170:23 requirement 39:19 46:21, 25 61:2,5 requires 48:4 research 18:23 19:2 reserve 79:2 80:1 reserving 79:7 residence 8:21 resistance 46:19 resources 16:18 respect 92:9 respond 100:20 110:6 responded 78:21	response 22:17 27:5 38:7 110:9 137:1 145:4 148:16 151:19,24 156:14 176:4,13 responses 90:24 141:17 143:10 145:6 responsibilit y 125:3 responsible 124:16,23 158:5 restate 146:11 restating 148:15 restrictions 119:19 resubmitted 25:11 result 38:4,19 40:3 86:14 138:4, 24 results 44:18 retain 68:10 133:23 retirement 21:25 return 34:14 75:21 109:16,25 112:23 124:25 151:20 153:15 154:19 155:5 returned 153:11 revert 24:1
rephrase 8:8 76:2 103:4			
replace 36:6 39:1			
replaced 35:24 37:6, 8,9,21 38:24 66:4,7,10,13 123:11 138:11			
replacement 37:18 163:5			
replacements 36:19 38:21 138:12			
replated 36:21			
report 61:3,11,20 67:12 114:17,21, 22,24,25 115:7,19 116:8 117:2 121:22 133:3 149:1 150:21	reporting 5:8,14 reports 114:9,13 133:2,24 135:6,8 138:1,3 145:24 representatio n 78:15,18,23, 24 83:17,23 84:1 representatio ns 84:4 representativ e 56:25 representativ es 143:25 144:1,2,13 represents 6:14 7:4 reputation 158:3 request 44:22 78:20 90:24 91:12		

Gregory Busch
August 24, 2021

review 53:12 88:23 91:22 96:6 145:6,8 150:2	149:5 150:7 152:5,16 156:4,25 157:9 159:5, 21 160:3 161:1,14 162:20 163:7,11 165:11 167:1 168:14 169:24 170:11,17 171:1 173:7, 11 174:25	rotate 62:24 63:6, 23 64:2 rough 142:1 roughly 174:14 routinely 170:21 rudiment 38:16 rule 52:19 163:21 rules 6:24,25 7:11 43:25 166:2 168:20 run 137:9 159:13 174:16,17 running 156:17 Ruth 27:11 147:15	99:1,22 100:10 101:10 104:12,24 105:2,9 106:3,6,8, 16,18 107:19 108:1,2,23 109:12 111:18 112:21,22 113:6 124:25 147:9,12 151:13 153:12 175:22 sale-related 147:14 sales 139:21 Saluck 75:22 sample 153:9 168:8 satisfaction 24:18 27:8, 15 28:6 31:9 54:5 102:9, 18 103:7 satisfied 41:10 satisfying 104:4 save 23:4 80:8 saying 18:11 30:24 66:25 67:1 136:22 138:15 149:20 says 27:8,19 28:5 56:4,11,19, 24 58:13 59:2,8,10 63:18 64:10 91:18 93:19
reviewed 91:5 115:7, 19 138:1 144:10			
reviews 44:15			
rig 35:10			
right 7:10 8:18 10:25 14:13 28:19 33:11 38:3,6 39:8 40:25 44:22 47:8 52:19 53:16 56:10 58:16,23 59:2 63:15 64:2,15 75:1,24 79:1,2,7,13, 18,22 80:1, 4,12,17 88:21 89:18, 21 90:19 93:17 94:22, 23 97:8,11 105:21 108:10 110:25 112:2,8,19 121:4,9 122:12 130:10 135:11,15 137:4,25 138:23 139:4,6 140:25 141:13,20 142:11 143:2,8 144:6 146:16	rights 122:11 river 5:19 6:15 7:4 14:8 19:13 24:13 32:9 38:10, 11 75:5 76:5,12 81:13,16 83:10 90:24 93:8 105:11 128:19 129:6,11,15 130:3,4,12 135:18 139:19 141:9,13 151:11 rivers 40:8 riveted 163:24 Road 8:22 9:23 rocky 38:15 role 67:22 105:1, 7 roll 175:4 room 5:7	s	
		safe 117:12 safely 140:15 Saginaw 38:10 130:9 173:14 sale 14:10 15:1 20:16,18 21:5 22:3,6 23:1 24:3,4, 13 69:5,17 70:7,16 76:11 77:8 80:25 81:1 82:24 91:14 92:24 93:6, 21,24 94:15, 16 98:13	

Gregory Busch
August 24, 2021

94:22 97:5, 10 101:7,12 112:19 114:7 117:11,16 120:7 121:4 122:9 124:7 139:6 140:18,20 147:10 149:7 151:10,23 154:14,21 155:7 157:5, 9 167:14	seaworthy 84:2 119:5, 15,18 122:15,20 139:15 144:22 145:12,23 162:17	seeking 44:20	seriously 177:16
Scale 53:22	second 56:11 84:18 85:3,13,19 87:9,14 90:19 93:17 97:5,9	sees 62:15,16	served 143:9
scanned 87:20 88:3	section 164:11	segments 26:23	service 117:15 171:4
scattered 50:9 109:10 123:24 161:22	sectional 12:10	segues 59:16	services 15:18
schedule 113:18	see 12:9 26:5, 23,24 27:3, 12 55:18,22 58:13,15 59:3 62:2,5, 6,21,25 66:2 80:15 85:20 88:23 90:19 93:10 97:8 106:3 112:24 116:21 129:22 130:6,13,17, 22 135:18,24 138:2 141:18 148:20,25 149:3,4,11 151:1,2,14 155:20 175:17	Self-employed 9:11	serving 83:15 127:11
school 9:1	seeing 26:2,4 63:17 93:3 116:16, 19 128:24 141:12 149:24	sell 68:6 69:9 70:20,23 83:4 175:8, 18	set 12:15 60:9 76:22 81:25 94:23 161:3, 5 175:3
science 9:2,3 22:12	seek 44:6 89:19	seller 101:7	setting 51:9 60:19 81:21 87:9 102:8
screen 26:2 142:16, 22 149:3 150:25		selling 15:15 21:2 22:18 175:9 177:15	setup 51:5 98:2
scroll 26:16 55:25 56:10 112:13 142:18 149:13		Seluck 75:13,14	seven 66:2,5
scrolling 58:10 63:21		send 44:13 87:18 107:21	several 149:23
sea 70:24 133:24 141:5		sends 131:14	severe 41:6
Sealed 44:1		sense 62:4 120:14 136:5 174:10 175:20	shallowness 126:4
seaworthiness 39:20,25 119:17		sentence 120:15 121:4 157:5,9	shape 119:23
		separate 9:12	share 139:16
		separately 155:9	sheared 38:16
		September 116:9,12,23 158:17	sheets 85:11
		serious 176:10	shell 59:10 64:20, 25 65:7 174:14
			ship 38:12,22
			Shipping 39:23 40:16 56:13 144:2, 7

Gregory Busch
August 24, 2021

shipyard 45:18 48:21, 22,24 56:12, 17 70:20 168:24	shrink 141:21 148:25	significance 79:17	sizes 166:20
shipyards 46:20 168:23	shrugs 7:18	signing 75:7 106:6, 8,10	slash 156:24
shoot 127:18	sic 11:11 68:18, 21 102:20 151:21	silent 71:25	slightly 54:24 146:15
shop 12:3 46:6 126:10 127:14 170:1,2,14	side 33:17,18,24 34:1,2 37:7, 13 38:17 47:23 58:18, 21 59:5,10, 17 60:3,25 61:1 64:12, 19,24 65:7 67:4,5 125:21 174:14,19	similar 49:6	slow 62:18 100:3 132:11
shopping 170:10	sides 34:16 47:22 59:14 174:21 175:5	simple 53:25 167:25	slowly 58:11 63:21 112:13 149:13
shore 82:19 85:17 87:4 126:23 156:10,20,24 171:20	sideways 64:1	simply 20:25 37:22 168:16	small 55:22 142:13
shoreline 126:18,25 127:1,9	sight 129:25 130:11	sir 6:3 13:4,18 17:16 25:6 65:2 70:22 97:24 123:8 131:1 155:15 163:19 165:23 167:19 171:16	smaller 142:12
short 51:13,16 110:17 130:14 176:6	sign 107:20 153:13	sit 23:8 135:4 137:15 139:3 149:17 150:6,20	sold 15:3,7,12
shortened 35:1,6,9	signature 107:24 112:11 167:12 178:8	site 17:2 128:20 129:24,25	sole 9:16 11:7,11 119:20
shortly 139:2 156:5	signatures 25:2	sites 133:7	sort 12:1 15:4 19:10 32:11 34:9 36:2 44:11 45:12 46:4 54:25 57:12 71:9 77:2 110:14, 17 119:5 134:21 162:7 171:4
show 26:13 90:18 102:20 160:20 170:6	signed 93:7,9,22,24 94:10,12 96:6,8 111:21 112:17 113:2,9,12 142:2 143:13	sits 150:6	sorts 16:1
showed 101:19		sitting 28:19	source 30:3 150:7
showing 44:11 56:1 93:1		situation 75:25	space 156:12
shown 59:13 66:21		size 12:19 19:8 34:3 48:3 62:23 63:11 93:12 112:4 164:4 166:21	span 144:5
shows 59:17 104:3, 8 105:14			speaking 7:22 16:3 37:24
			speaks 94:24 97:16 99:5 124:18

Gregory Busch
August 24, 2021

154:1 special 162:8 169:5 specific 19:4 20:2 54:1 78:19 80:14 86:24 131:23 142:9 specifically 16:24 29:17 30:10,14 36:16 38:6 45:11 48:8 52:24 53:6 54:8 78:24 84:7 86:12 89:24 90:5 91:10,11 121:10 122:22 123:20 127:3 131:18 133:5,11 140:24 specificity 147:8 specified 42:15 specify 42:6 speed 129:10,15 131:15 132:5 141:4 speedsty 12:4 spell 6:16,20 68:14 70:12 spent 82:15 85:15 spite 153:18 spoke 82:1 spoken 76:25 108:16	120:4 133:19 spring 76:7 spuds 38:16 spurred 98:9 stability 87:15 stage 20:25 stamp 27:19 63:16 stamped 31:10 93:2 102:7,8 105:14 106:4,11 standard 166:21 standards 136:15 standing 53:16 stands 47:8 102:3 starboard 33:17,21,23 34:1 58:14, 17,18,21,25 60:21,25 61:9,14,17 63:18,19 64:6 65:16 67:4,9 85:8 start 7:5 56:4 93:15 98:3 112:10 162:3 started 51:1 starting 56:7 122:8 starts 26:6 state 6:16 124:5,	10 144:22 166:2 173:13 stated 106:25 statement 79:23 136:18 153:2 statements 91:4 states 10:23 26:15 101:10 104:11 121:10 124:4 stating 5:15 status 171:22 172:19 statute 40:2 statutory 39:19 staunches 36:11 stayed 82:19 85:17 STC 17:25 20:15 32:23 48:5 49:18 50:1 STC2004 13:24 14:18 17:14,17 18:4,22 19:15 23:6 29:24 31:17 40:5 42:17 47:2 48:1,11 49:17 50:8 56:4 68:7 71:7 75:8 76:1,5,16 80:25 101:15 109:5 136:7 151:12 156:7 157:11	steamship 38:13 steel 36:5 39:7,8, 9,10,12,15 52:12 85:10 162:15 166:21 steering 126:20 step 80:9 stern 127:3,5 stick 166:5 stipulate 26:21 79:10 stipulated 49:10 stold 75:20 stole 75:15 stone 16:9 177:11 stop 80:13 149:13 stopped 70:18 158:11 storage 172:1,7 story 22:8 154:17 strain 174:6 strands 175:4 strapping 173:24 174:1 straps 174:8,10 175:2 streak 163:25 streaks 164:1 166:12
--	---	---	---

Gregory Busch
August 24, 2021

strength 174:8,9	subsequent 20:4,7	supporting 174:12	23 122:1,2, 3,4,5,6,23, 24 123:2
stretch 130:6	substantial 37:3,9	supposed 42:1 47:11	145:14
stretching 163:3	substantially 16:5	107:9 131:16	146:20 147:5
strict 17:9	sue 77:25 78:1	139:11	158:18,21
strictly 138:8	111:11	sure 7:19 12:23	159:4,5,11, 15,19,22
strike 13:12 14:16 19:12 20:14 40:12 47:5 57:15,17 72:1 73:11 84:14 87:7 125:12 155:2	173:17	14:25 17:7	160:2,3,8,18
structural 39:20	sued 110:19	20:6 41:12	161:11
structurally 35:8	suggested 83:19	45:25 46:22	162:10
structure 174:12	suitability 139:8,10 140:4,9	48:18 49:4	168:19 171:1
Sturgeon 75:13	suitable 117:12 139:15 141:4	51:4,20	177:14
sub 19:7	summer 119:25	53:20 63:13	surveyed 73:21 116:23 177:8
Subchapter 70:24	Sun 21:8,10,12, 13,15,17 22:22 68:17, 21,25 69:4, 6,7 76:17, 18,24 77:2, 23 78:7 80:5,6,20,23 81:4,10 94:3,7 96:5 107:3,14,19, 24 108:4,16, 22 109:1,4, 16,19,22,25 110:3,6,22 111:2,3,8 147:16 151:9 173:11,17,18 175:7,25 176:4,13,19	100:20 112:6 114:12 119:23 120:19,24 148:23 159:15 161:1 162:17 168:15 169:20 173:19 174:25	surveying 159:8
subject 44:18 103:2		surprised 90:7 129:4 132:4 150:4 170:6	surveyor 41:21 42:3,8 43:22 47:6, 8,10,15,18 48:4,6,22,23 49:10,12 50:20,24 51:7 52:18, 22 53:15,19, 23,24 54:2 55:6 56:25 57:5 58:8 67:21 69:25 73:18 121:22 146:15 164:7 165:4 168:18 170:7
submarine 18:23 19:3 160:24		survey 41:25 43:14, 17,24 44:4, 7,18 45:1,4, 22 48:11,13 49:1,3,7 50:10 51:9 52:5,25 53:22 54:4,8 56:5,16 61:12 73:6,9 89:14,25 90:2 116:4, 25 117:1 120:8,11 121:6,18,22,	surveyors 43:22 73:17 75:1 146:16 164:21 166:4
submersible 19:7,8 22:13,16			surveys 10:14,16 43:9,20 45:12 48:17 49:17,21 50:6 67:21 90:15 114:9, 15 116:8 144:9 146:5,
submission 147:17	supervisors 144:11		
submit 34:13 53:12	support 22:15		
submitted 25:9 35:13 53:11 68:1 146:4 148:7 153:14			

Gregory Busch
August 24, 2021

6,10,12,19, 23 158:13,16 162:8 swore 173:3 sworn 6:6 system 34:11 35:15 131:8 132:3	taking 7:16 45:6 57:23 117:17 121:24 127:24 147:1 164:25 talk 13:23 87:9 96:8 171:20 talked 23:5 60:20 68:5 87:6 128:7 138:3 talking 18:11 25:23 52:4 140:7 145:3 talks 124:1 tank 32:10,11,13, 16,18,20,24 33:1,13,14, 20 34:5,7 35:16 58:17, 20 59:5 60:21 63:19 64:6,12 tanks 33:13,23,24, 25 34:2 35:17 58:20 60:24,25 61:9,10,14, 15 62:20 65:16 67:4,5 86:1,2,3,8, 13 90:10,12 123:14,18 target 101:3 Tawas 17:24 18:3, 17,20,24 19:6 160:24 tear 12:16 125:4, 8	technical 143:4 168:25 technological 62:1 technology 26:25 62:14 Ted 133:19 144:15 telephoned 172:6 tell 12:18 15:15 16:6 27:22 28:13 29:17 33:7 39:1 41:5 42:5 43:13 58:12 61:19 62:7,8 68:20 71:9, 12,19 89:2 128:3 129:2 131:23 133:11 142:13,18 154:6 164:1 173:12 telling 28:25 100:25 159:7 163:13 164:10 tells 48:23 temporary 12:15 ten 51:22 60:1 65:13,24 66:2,5,17 108:11 138:10 165:18 177:3 tend 162:23 167:21 term 17:8 113:1	Terminal 156:10,20,24 terms 8:5 39:24 49:20 71:10 76:10 77:3 83:14 88:17 94:15,23 95:9,17,19 96:12 122:18 129:1,7 140:10 159:14 Terrance 11:22 Terry 69:23 76:7, 13,14,15,18, 21 81:21 82:8 86:6 87:6,9 89:11 93:8,25 97:22 98:5,7 100:6 107:1, 7,24 112:17 126:12 128:11 132:6,18,25 134:4,8 144:14 151:8,19 155:21,25 156:11,14 Terry's 98:17 test 18:25 19:2 testified 6:8 28:9 testify 6:6 testimony 5:11 18:9 79:11,19 104:20 164:16 169:21
T			
take 7:17,21 8:14 18:23 28:16 51:13,16,18, 22 54:3,8 55:20 60:10 65:21 78:22, 23 82:4,10 88:16 89:11 90:14 108:8, 10,11 113:16 120:24 163:13,25 164:17 165:6 166:1,15 167:15 178:4 taken 6:23 41:15 48:9 51:25 52:4 53:16, 19 54:22 56:11,19,24 58:6 60:24 61:8,14,15 62:19 67:6 89:1 91:17 108:12 110:22 147:23 148:21 162:4 163:9 165:3 takes 12:15 26:9 48:23 53:17			

Gregory Busch
August 24, 2021

testing	37:7 40:22	threatened	87:4,6 89:12
167:3	43:24 45:1,4	172:4	90:12,16
169:14,22	46:22 47:4	three	92:23 97:2
171:4	49:13,22	7:9 12:9,10,	101:13 108:6
Thank	62:3,21	13,18 13:5	109:22 110:3
6:3,9 31:24	63:2,10	41:3 47:16	111:4 113:5,
51:23,24	67:8,12	53:1 60:24,	19,21 114:21
63:12 74:25	68:5,15,19	25 61:3,4,9	116:23
80:17	70:4,18	66:9 84:20	120:15,25
148:17,18	72:12,14	85:10 90:11	122:15,20
150:16	73:6,10	93:1 94:12	123:1,12
161:16,17	76:6,21 77:7	109:1 128:25	127:6 129:17
177:18,19	79:6,8,19,24	129:19,23	130:14,21
178:6	81:11,24	130:7 137:12	131:18,25
thereof	87:16 88:9,	155:23 166:5	132:16
122:13 124:3	10 89:12	168:1 169:4	134:1,8,25
thick	90:11 103:13	176:23	138:5,17
36:6 174:15	112:8 115:25	three-	139:24
175:6	122:2	quarters	143:23 144:5
thickness	123:16,22,24	174:23 175:5	150:2 152:2,
37:12 45:10,	126:10	thumb	4,5,7,19
14 52:5	127:19	52:19	156:5
56:5,20 66:1	128:12 130:1	tie	158:11,18
91:15,16	135:1 146:23	126:10 155:9	160:19
143:23 147:2	153:20	tied	162:10,24
149:1,8	155:8,13	127:8	169:12,25
162:15	160:10,12,20	time	176:7 177:1,
thin	169:15,16	7:22 14:15	3,18
162:23 163:5	170:19 173:5	15:5,6 16:3	times
thing	175:6,15	19:23 20:10	20:2 36:20
11:15 68:9	177:9	22:2,13	37:17 45:24
106:10	thinking	23:20,23	46:1 49:19
132:10 158:4	61:11 85:23	24:24 28:11,	51:7 62:4,
178:5	thinning	15 32:7	13,15 72:13
things	163:3	35:21 36:1,	84:17 128:8
10:6 29:21	third	14 37:19,20,	145:17
46:24 48:8	62:3 93:2	23 38:24	169:23
55:13 62:5	third-party	42:18 43:8,	170:16,18
79:16,24	171:4	17,19 44:4	tired
87:12 125:11	thorough	46:2,9,17	167:21
147:22	161:23	51:8,12,16,	title
161:23 168:6	thoroughly	19 55:10,15	23:19,24
170:1	29:25	63:2 69:16	24:17,22
think	thought	72:18 73:7,	101:7 102:21
11:6 18:9	85:2 93:15	11,13,15	103:9 106:15
23:12 28:2,	156:23	76:22 82:1,	titled
8,15 31:12	173:6,23	17 84:14,18,	143:9
35:4 36:1		19 85:25	

Gregory Busch
August 24, 2021

today 13:23 14:3 145:6,8 149:17,24 150:21	tow 139:14	traveling 132:4 133:25	163:24
told 74:8,14,17 76:18,20 79:16 83:4 85:2 100:6 127:25 132:7 134:5,7,9,22 159:8	towed 75:14,19 137:1,19	trouble 14:13 129:5	170:18 173:1,7
Toledo 49:13 56:11, 12,17	towing 23:18 69:12 70:5,11,16, 19 71:2 72:3,8,19,24 73:1 137:5 139:13 176:17	trucking 20:23 177:11	tugs 10:2,4 12:18 13:5 22:10 70:25 71:5
tons 19:11 40:6	trace 86:10 90:13	true 84:13 103:10,14 136:3 143:15 146:9 162:12,24	turn 6:18 25:19 130:10
Tony 68:13,17 108:16 109:4 110:11 111:3,7,11 173:19	trade 117:13	truss 123:23	turned 110:15 155:15
Tool 9:19 11:4, 11,13,14,17, 24 12:2 14:12	Traditionally 16:8	truth 6:6,7	twice 71:5
Tool's 12:2	train 167:16	truthful 142:4	two 10:3 11:23 15:7 20:19 33:9,11,12, 13,25 35:16 41:9 45:25 51:6 60:12, 19 65:17,18 79:24 82:16 84:17,20 85:10 87:8 98:10 107:7 110:18 114:13,25 128:13,23 129:19,23 130:6,7,8 132:1 138:1, 3 151:7 156:21 160:24 167:14 169:4,13 170:19 176:6
top 66:2 149:6 155:20 173:24 174:20,22 175:1	training 19:2 167:10, 14,15 168:10,12	try 8:1,8 18:12 28:17 68:6, 21 69:1,8 112:13 149:7 167:23	
topics 82:22	transaction 107:13	trying 23:4 25:25 49:13,22 58:10 59:16 62:3 63:25 70:20,23 85:6 113:18 126:20,22 128:1,12 137:14 147:22 150:6 156:17	
total 33:14 48:1 65:13	transcript 177:23	Tuesday 5:2	two-page 93:21
tote 28:1	transfer 104:24 105:10	tug 12:9 17:1 49:18 50:1 71:14 72:23 73:10 126:2, 3,9,12,17, 18,19,24 127:24 128:5,9,15 129:6 133:20	two-year 16:17 17:23 19:19
touch 142:14	transfers 107:17		type 22:19 39:12 41:15 83:12
	transmitter 131:14		
	transpired 85:1		
	transport 17:2 32:7		
	transverse 34:20		
	transverses 36:10		

Gregory Busch
August 24, 2021

typed 59:18	168:15 169:10 170:24 175:24 176:11,14	unsafe 114:1 115:8, 21 117:3	versus 41:2
typed-out 58:23 60:5 65:6		unseaworthy 114:19,23 115:2 116:11	vessel 17:8 21:21, 22 22:15,17, 19,24 23:3 32:6,18 36:16,18 38:2,16 39:21,25 41:7,12,13 42:6 44:16 45:2 48:3 50:5,22,25 53:9 64:23 73:9 83:5 101:8,14 102:10,21 103:19 104:24 105:10 119:8,10,18, 21,22 122:15,19 123:25 131:15,17 132:24 136:3 138:8 139:14 141:11,13 164:5 166:11 169:24 170:2,4,5 171:6 174:7, 8
types 15:22 41:3,4	understanding 8:6 23:8,25 24:10 85:19 96:11,17 97:11,19 98:13,16,25 99:20 100:1, 7 101:1,3 102:6,21 103:9,19 104:18 106:14,25 107:12 113:4,20,24 115:8,20 117:17 120:11 123:9 124:13,21 125:2 152:18 153:6 158:24 175:20 176:3	unusual 86:16	
typewritten 59:7 64:16 66:16		upside 63:8	
typically 14:10 163:16		usual 54:24	
<hr/> U <hr/>		utility 22:24 23:3	
uh-huhs 7:18		utilized 12:11 18:4, 21 19:5 33:1	
uh-uhs 7:18		<hr/> V <hr/>	
ultimately 32:5 163:4		vague 95:21	
ultrasonic 45:9 56:5,19 162:11 165:10 168:17 169:14,21 170:9 171:4	understood 8:12 102:9 113:15 147:20 148:7 152:7	vaguely 128:6	
ultrasound 171:3		valid 96:13	
underneath 37:5	undertook 11:2	various 13:13 32:20 36:20 37:17 46:14 57:8 72:13 162:16	
underside 36:18 37:19 84:11 147:4	underwent 43:15	vary 166:20	
understand 8:9 25:7,20 30:23 39:6 49:4 62:17 99:9 107:10 110:11 131:5 138:14 158:25 162:14,20 163:10,19 165:2,24 167:9,19	unique 168:17	verbal 7:15	vessels 12:6 13:11, 13 17:10 22:3,7 44:1 45:25 46:14, 16 131:13 136:11 162:21 170:10,14,16 171:5,7
	unit 45:9	verbally 5:10	
	United 26:15 101:10 104:11 124:4	verification 5:25	
	University 9:1	verified 6:2	
	unlawful 117:19 118:3	verify 142:8 150:11,23	view 62:22,23 92:21 120:12 139:18
	unlimited 139:24	version 64:16 65:6 66:16 145:8	

Gregory Busch
August 24, 2021

152:14 violation 137:23 visit 84:15 85:3, 14,19 87:10, 13 visits 86:1,6 87:8 visualized 48:7 voice 131:4	98:7 110:13 171:10 172:8 176:9 Ward 49:15,16 50:17 54:3, 19 55:6 57:6 58:8 65:23 67:19,22 90:3 163:11 164:17 warrants 101:7 117:11 122:10 warranty 139:22 wash 50:22 wastages 164:24 waste 162:23 watch 129:19 watched 55:9 129:21 130:24 131:6,21 watches 47:8 53:25 watching 132:10 water 10:20 12:4 16:23 84:8, 10 86:1,4,7, 10,13 87:3 90:12,16 117:4 126:4, 6 130:5 132:6 135:2 waters 40:7 115:9, 22 waves 132:19 133:1 134:3,9,22	way 8:9 19:4 29:13 32:8 33:19,20,22 34:13 37:4 46:10 47:21 49:6 61:7 63:7 83:9 101:18 114:1 118:19 121:13 124:12 129:1 131:21 134:12,17 135:17 149:18 153:11,20 160:22 161:1 162:16 166:23,25 168:11 175:9 ways 19:24 142:20 wear 125:4,8 weather 132:8,11,13, 16,24 133:2, 24 137:2,6, 20 141:5 website 68:23 131:9 175:23,25 176:3 weeks 11:23 72:22 84:20 89:11 weigh 164:24 weight 19:10 33:13, 25 34:2 weld 51:6 123:23 welded 123:16 163:25 166:11	welding 51:3,5 164:3 welds 123:17 went 15:15 16:17 29:13,15,22 34:19 36:22 48:19 49:20 71:15 73:3 82:14 85:10 87:22 90:9, 10 107:13,19 110:18 132:5 133:7 135:9 160:13 165:16 171:13 176:5 whatsoever 82:25 83:17, 23 113:8 wide 19:9 31:19, 21,23 37:2 174:15 175:6 widespread 133:16,17 width 175:14 Wilke 75:2 Wilkie 114:10,14,17 115:19 116:1 135:10 138:15,21 145:24 Wilkie's 115:6 116:3 117:6 wind 133:17 winds 133:12 windy 132:17
<hr/>			
W			
<hr/>			
W-I-L-K-I-E 75:2 waive 5:13 waived 79:8 walk 48:21 walk-through 85:13 walked 71:14 85:16 86:24 walking 85:20 want 28:14 30:17 39:6 51:21 68:14 82:20 93:4 102:1 103:1 135:15 142:11,20 156:16 162:7 167:9 169:20 174:24 177:25 wanted 22:11 25:18, 22 76:19 83:4 87:12, 14,16 97:23			

Gregory Busch
August 24, 2021

wing 33:12 35:16	135:1 153:20,21 168:16	153:6,21,22 154:11,18 155:2 156:5, 19	149:4,19 150:13 152:17 153:2 159:2,3,24 160:10,23 162:1 165:6, 25 167:20,22 170:24 171:17 175:13
wires 128:4	work 9:20 12:14 17:3 19:25 39:1 79:25 107:13 123:20 127:21 156:7,11,25 157:10 170:14 173:22,25	<hr/> y <hr/>	year 35:18 47:3 61:7 81:12 146:7,10,12, 17 169:12
Wisconsin 75:13	worked 68:12,17 71:3	yeah 11:14 12:20 13:9 15:7 17:24 25:8, 25 27:23 29:5 31:22 34:23 36:19 37:1,25 38:25 39:8 41:6,25 43:19 44:13 45:7 46:6 47:8,16,21 48:25 49:13, 16,18 51:18, 21 52:8 54:10 59:16 61:11 63:1,8 65:11 68:13 70:3 71:14 73:10 74:23 76:3 80:11 84:13 85:22 87:11,23 88:19 89:12 90:7 93:3 96:2,20 97:10 98:6 99:12 103:4 107:10,12 108:10 112:6 120:20 121:15 123:10 127:25 128:19 131:13 132:17 142:8,19 146:12 148:23	years 12:14 16:4,5 41:18 46:21, 23 47:4 50:7 71:4 73:8 114:25 127:18 132:1 138:10,13 168:21 169:4,13 176:23 177:3
witness 5:10,22,23 6:1,5 10:17 13:20 17:17 25:8 28:9 30:8 31:2,22 37:1 43:3 45:16 51:20 54:14 62:3 63:8 65:3 70:24 74:3 75:19 78:23 79:9 86:20 96:20 98:2,6 99:25 103:4 107:9,12 115:13,15 118:1,17,20 120:18 121:1 123:10 125:8 131:2,6 142:8 161:17 163:20 165:25 167:20,23 171:17 172:14 175:2 177:19 178:8	worker 45:18 168:24 working 17:6 108:22 128:9 162:22 works 34:13 131:11 worried 132:7 write 60:18 145:4 151:19 165:14 writing 76:24 77:17 157:14,21 165:12 written 56:22 57:3 61:5 63:22 97:7,13 100:10 111:21 156:8 157:6,7,11 wrong 25:1,2 63:7 91:20 92:14 149:18,20 150:8 wrote	yellow 85:15 York 21:16	
witness' 104:20			
wood 16:10			
word 7:15,20			
wording 39:24 40:1 166:4			
words 7:19 40:25 67:23 98:8 101:1,6 121:15 132:6			